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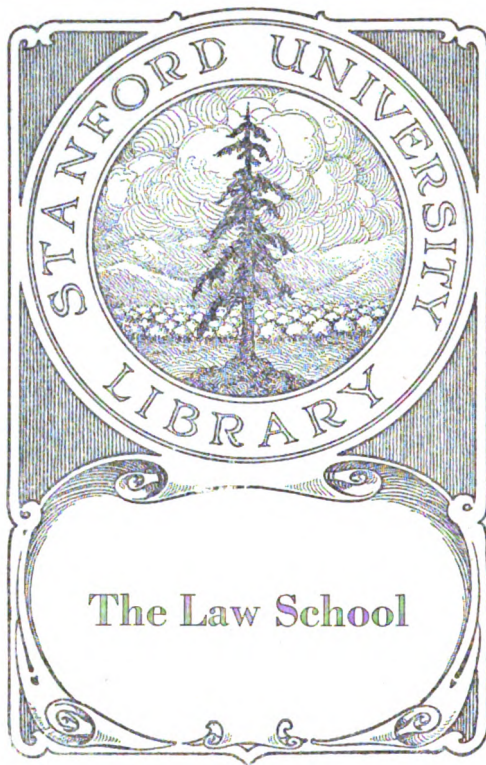
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Delaware Co

Forster P. Cause

LAWS

OF THE

STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 1, A.D. 1901

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND TWENTY-FIFTH

VOLUME XXII—Part I.

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LAWS OF DELAWARE.

CHAPTER I.

AMENDMENTS TO THE CONSTITUTION.

House Amendment to House Bill No. 217.

Strike out all of the bill after the word "State" in the third line of Section 1 of the bill and insert in lieu thereof the following: Amendment to Section 1 of the Bill.

"First, That all of Section 3 of Article 9 of the Constitution of this State after the word 'Corporation,' where it occurs the second time in Section 3, be stricken out."

Section 2. That Section 6 of said Article 9 be stricken out and in lieu thereof substitute and adopt the following, viz.: Amendment to 2nd Paragraph of Section 1 of the Bill.

Section 6. Shares of the capital stock of corporations created under the laws of this State, when owned by persons or corporations without this State, shall not be subject to taxation by any law now existing or hereafter to be made. Proposed Amendment to Section 6 of Article 9 of the Constitution.

An Act proposing amendments to Article 9 of the Constitution of the State of Delaware concerning Corporations.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each House agreeing):

Section 1. That the following amendments be and the same are hereby proposed to Article 9 of the Constitution of this State: Proposed Amendment to Article 9 of the Constitution.

First. That all of Section 3 of Article 9 of the Constitution of this State be stricken out and in lieu thereof substitute and adopt the following, viz.:

AMENDMENTS TO THE CONSTITUTION.

Proposed
Amendment in
lieu of Section
3 of Article 9 of
the Constitu-
tion.

"Section 3. Shares of the capital stock of Corporations created under the laws of this State, when owned by persons not residing herein, shall not be subject to taxation by any law now existing or hereafter enacted."

Second. That all of Section 6 of Article 9 of the Constitution of this State be stricken out.

Approved March 9, A. D. 1901.

NOT RECORDED

NOTE—Published as enrolled.

TITLE FIRST.

Of the Jurisdiction and Property of the State ; its Legislation and Laws.

CHAPTER 2.

OF LIMITS.

AN ACT TO ESTABLISH BULKHEAD, WHARF AND PIER LINES ON THE DELAWARE RIVER, IN FRONT OF THE CITY OF WILMINGTON AND VICINITY.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Section 1. That the bulkhead line or lines of solid filling, and the pier line in the tide-waters of the River Delaware, lying between the Christiana River and the northerly boundary of Edgemoor, opposite the City of Wilmington and Edgemoor, as fixed, established and adopted, or hereafter to be fixed, established and adopted, by the Secretary of War of the United States, under the acts of Congress in that behalf, are hereby adopted and declared to be fixed and established as the exterior bulkhead and pier lines between the points aforesaid, as such exterior bulkhead and pier lines so fixed, established and adopted, are or may hereafter be shown upon the manuscript map or maps, report or reports, filed in the office of the said Secretary of War or War Department.

Exterior bulkhead and pier lines to be as established and adopted by the Secretary of War.

Section 2. That the Secretary of State is hereby authorized and directed to procure duplicate copies of the said manuscript map or maps, report or reports, accompanying the same, from time to time, and file one of said copies in his office at Dover, and the other of said copies in the office of the Recorder of Deeds

Secretary of State to procure duplicate copies of maps, &c.
To file one in his office, another in office Recorder of Deeds, New

OF LIMITS.

Castle County. When filed shall be evidence. for New Castle County; which said copies when so filed, or certified copies thereof, shall be competent evidence for all purposes.

Not lawful to fill in between established points beyond bulkhead lines.

Section 3. That it shall not be lawful to fill in with earth, stone or other solid material in the tide-waters of said river between the aforesaid points, beyond the bulkhead line or lines of solid filling by this act adopted, fixed, established, laid down and exhibited on the aforesaid map or maps, report or reports, except in the construction of duly authorized piers; and no erection or structure of any kind shall hereafter be erected, allowed or maintained beyond or exterior to the aforesaid bulkhead line or lines of solid filling, except duly authorized piers which shall not be less than one hundred and fifty feet distant one from the other, and which shall in no case extend beyond the lines indicated for piers on said map or maps, report or reports.

Littoral proprietors may erect bulkheads, etc.

Section 4. That the littoral proprietors abutting on the River Delaware, between Christiana River and the northerly boundary of Edgemoor, are hereby respectively authorized and empowered to erect bulkheads, wharves and piers on the line or lines now or hereafter to be fixed, established and adopted as provided in Section one (1) of this act, opposite their respective littoral holdings on said river, between said Christiana River and the northerly boundary of Edgemoor; and to fill in with earth, stones or other material, the space or spaces between said bulkhead line or lines of solid filling, shown or exhibited on the map or maps, report or reports aforesaid, and the westerly bank of said river, (designating the high water mark thereof), between said Christiana River and the northerly boundary of Edgemoor aforesaid.

United States may utilize space for deposit of dredging material.

Provided, that nothing herein contained shall operate to prevent the United States from utilizing all or any portion of the space between said bulkhead and the westerly bank of said river for the deposit of dredged material taken from said River Delaware in the progress of the improvement thereof, not exceeding twelve feet in height above mean low water. And provided, further, that the filling in of said space between said lines by any littoral proprietor shall be under and subject to the regulations of the War Department of the United States.

Filling in subject to regulations of War Department.

Section 5. That the land under the waters of said river, within the limits aforesaid as hereafter determined, on the front of the littoral holdings of said littoral proprietors respectively, and between the bulkhead line or lines of solid filling, as shown and exhibited on the maps aforesaid, and the westerly bank of said

Land so made to vest in fee in littoral proprietors.

OF LIMITS.

river, (designating the high water mark thereof), shall vest in fee in said littoral proprietors, their heirs, executors, administrators, successors and assigns, respectively. And when a suitable bulkhead shall have been constructed front of any of said littoral holdings, of any of said littoral proprietors, it shall be the duty of the Attorney General, upon satisfactory evidence to him of that fact, and the tender to him of the reasonable and necessary expenses of preparing the conveyance or conveyances hereinafter named, to seasonably prepare, and of the Secretary of State to forthwith execute under the seal of the State, a grant assuring to said littoral proprietors, respectively, their heirs, executors, administrators, successors and assigns, the lands under water in front of their respective littoral holdings aforesaid, between said bulkhead line and the said river bank.

Attorney General and Secretary of State to prepare grants therefor.

Section 6. The breadth of water front appertaining to each littoral proprietor or owner of land abutting on the said river bank shall be determined by protracting the line of the land to the bulkhead line established under this Act, wherever the protraction of said lines would not result in giving the said owner more, or to any other littoral proprietor less, than his proportionate share of frontage on said bulkhead line; and in case of a conflict arising from the divergence or convergence of the lines of said littoral proprietors, or of the public streets, the Attorney General is hereby authorized and empowered to settle the said lines outside of said river bank so that equal justice shall be done to all concerned.

Lengths of water front determined by extending lines of lands to bulkhead line.

Attorney General to have jurisdiction in case of dispute.

Section 7. That it may and shall be lawful for the said littoral proprietors, respectively, to own and hold all bulkheads, docks, wharves, buildings and piers that hereafter may be erected pursuant to this act on the front of their littoral holdings respectively; and to use, possess, repair, and keep the same in order, and to lay any steamboat, vessel, or other craft at the same; and to demand, take, sue for, and recover reasonable wharfage, demurrage, rent or dockage of and from any steamboat, vessel, or other craft using the same, and from all persons who may use said bulkhead, docks, wharves, buildings and piers in any way whatsoever, and shall also be authorized to sue for and recover any damage that may be done to the same.

Littoral proprietors may own bulkheads and recover wharfage, &c.

Section 8. This act shall be deemed and taken to be a public act and shall be published as such; and that all acts and parts of

OF LIMITS.

acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 8, A. D. 1901.

OF LIMITS.

CHAPTER 3.

OF LIMITS.

AN ACT CHANGING THE BOUNDARIES OF THE THIRD AND FOURTH
ELECTION DISTRICTS OF THE 10TH REPRESENTATIVE DISTRICT,
NEW CASTLE COUNTY.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met:*

All that part of New Castle Hundred south of the New Castle and Christiana road and Delaware Street, in the town of New Castle, to where it is crossed by the Delaware Railroad cut-off, and west of the Delaware Railroad cut-off, to where it connects with the main line of the Delaware Railroad, and west of the main line of the Delaware Railroad, to where it is crossed by the State road, thence southerly by the State road to the boundary line between Red Lion Hundred and New Castle Hundred, shall be known as the Third Election District of the Tenth Representative District.

Boundaries of
Third Election
District of 10th
Representative
District
changed.

All that part of New Castle Hundred south of Delaware Street beginning at the Delaware River and following the line of said Delaware Street westerly to the Delaware Railroad cut-off, thence by the line of said cut-off railroad to its intersection with the main line of the Delaware Railroad, thence by said main line of Delaware Railroad to where it is crossed by the State road, thence southerly along State road to the boundary line between Red Lion Hundred and New Castle Hundred, shall be known as the Fourth Election District of the Tenth Representative District.

Boundaries of
4th Election
District of 10th
Representative
District
changed.

Approved March 23, A. D. 1901.

OF LIMITS.

CHAPTER 4.

OF LIMITS.

AN ACT TO CHANGE THE VOTING PLACE IN THE SECOND ELECTION DISTRICT OF THE ELEVENTH REPRESENTATIVE DISTRICT IN NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Place of holding elections in 2nd Election District of 11th Representative District, N. C. County.

Section 1. That all persons entitled to vote at all general and special elections in the Second Election District or the Eleventh Representative District in New Castle County, shall vote at School House in School District No. 57 in said District.

Section 2. That all Acts or parts of Act inconsistent herewith be and the same are hereby repealed.

Approved March 9, A. D. 1901.

OF LIMITS.

CHAPTER 5.

OF LIMITS.

**AN ACT REPEALING CHAPTER 159, VOLUME 21, LAWS OF DELAWARE,
ENTITLED "AN ACT DESIGNATING THE VOTING PLACE IN THE
FIRST ELECTION DISTRICT OF REPRESENTATIVE DISTRICT NUM-
BER THREE OF KENT COUNTY."**

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Section 1. That Chapter No. 159, Volume 21, Laws of Dela-
ware, be and the same is hereby repealed.

Chapter 159,
Vol. 21 repeale
ed.

Approved February 18, A. D. 1901.

OF LIMITS.

CHAPTER 6.

OF LIMITS.

**AN ACT DESIGNATING THE VOTING PLACE IN THE FIRST ELECTION
DISTRICT OF REPRESENTATIVE DISTRICT NUMBER THREE OF
KENT COUNTY.**

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Place of hold-
ing elections
in Election
District No 1
of Representa-
tive District
No. 3

Section 1. That after this Act becomes a law, every general and special election held in the First Election District of Representative District Number Three of Kent County, shall be held at the times and in the manner fixed by law in the building now occupied and used by Thomas Holliday, in the town of Clayton, as and for a wheelwright shop.

Approved February 18, A. D. 1901.

OF LIMITS.

CHAPTER 7.

OF LIMITS.

AN ACT REPEALING CHAPTER 160, VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT DESIGNATING THE VOTING PLACE IN THE SECOND ELECTION DISTRICT OF REPRESENTATIVE DISTRICT NUMBER THREE OF KENT COUNTY."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 160, Volume 21, Laws of Delaware, Chapter 160, Volume 21, repealed. be and the same is hereby repealed.

Approved February 18, A. D. 1901.

OF LIMITS.

CHAPTER 8.

OF LIMITS.

**AN ACT DESIGNATING THE VOTING PLACE IN THE SECOND ELECTION
DISTRICT OF REPRESENTATIVE DISTRICT NUMBER THREE OF
KENT COUNTY.**

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met:*

Place of hold-
ing elections
in Election
District No. 3
of Representa-
tive District
No. 3

Section 1. That, after this Act becomes a law, every General and Special Election held in the Second Election District of Representative District Number Three of Kent County, shall be held in the building now kept as an inn, tavern and hotel, by Samuel Fortner, in the town of Kenton.

Approved February 18, A. D. 1901.

OF LIMITS.

CHAPTER 9.

OF LIMITS.

AN ACT TO DIVIDE REPRESENTATIVE DISTRICT NUMBER SEVEN OF KENT COUNTY INTO TWO ELECTION DISTRICTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That for the purpose of holding elections for Dis-
trict, County and State offices in Representative District Number
Seven of Kent County, the said Representative District is hereby
divided into two Election Districts, viz.:

By a line beginning at Stubbs Corner where the public road from Camden to Willow Grove intersects the northern line of the Sixth Representative District of Kent County and following the centre line of the said Camden and Willow Grove road in a northeasterly direction to the centre line of the Cedar Lane road; thence along the centre line of the Cedar Lane road, in a southeasterly direction to the centre line of the public road from Camden to Canterbury; thence along the centre line of the said Camden road a short distance in a northerly direction to the centre line of the public road leading to Green's Mill and Rising Sun; thence along the centre line of the Green's Mill and Rising Sun road in an easterly direction to the centre line of the public road leading from Camden to Magnolia at Rising Sun; thence following the centre line of the said Camden and Magnolia road in a southeasterly direction to the northern line of the Eighth Representative District of Kent County. All that part of Representative District Number Seven of Kent County lying north, east and west of said dividing line shall be the First Election District of Representative District Number Seven of Kent County, and all that portion of said Representative District lying south, east and west of said dividing line shall be the Second Election District of Representative District Number Seven of Kent County.

Section 2. That the town of Camden, Kent County, shall be the voting place of the First Election District of the said Repre-

Representative
District No. 7
divided into
two election
districts.

Boundaries
thereof.

Camden to be
voting place in
Election Dis-
trict No. 1.

OF LIMITS.

Woodside to be
voting place in
Election Dis-
trict No. 2. representative District, and the town of Woodside, Kent County,
shall be the voting place of the Second Election District of the
said Representative District.

Approved March 9, A. D. 1901.

OF LIMITS.

CHAPTER 10.

OF LIMITS.

AN ACT DIVIDING THE FIFTH REPRESENTATIVE DISTRICT OF SUSSEX COUNTY INTO TWO ELECTION DISTRICTS BY A NEW DIVIDING LINE OF SAID DISTRICT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That for the purpose of holding elections for Hundred, District, County and State offices in the Fifth Representative District of Sussex County, the said Representative District, in lieu of the present subdivision into election districts, viz.:

At Warrington's Store, thence in a westerly course by the farm of E. H. Warrington, thence over the branch by the farm of J. Cannon to the junctions of the road; thence in a northwesterly direction by the residence of T. Ward and J. Ward to the mill stream of Ellis' Mills, over the stream to the main country road leading from Laurel to Smith's Mills by Kings Church; thence in a westerly course by a new road by the farm of E. C. Gordy to the old State road; thence south down the old State road to Mrs. H. Lynch; thence in a westerly course by the farm of E. Ollephant and the farm of S. Hill to the main road leading from Laurel to Delmar; thence in a northerly direction to the road leading to Bacon's Switch; thence in a westerly direction leading to Bacon's Station, across the railroad, down the main country road by Jonathan Rickards, by the farm of J. W. Rickards till it strikes the road leading to Spring Hill; thence southerly to fork of road near Ralph Store; thence in northerly direction to the land of Charles Walson; thence in a westerly course around said land back; thence in a westerly direction to the main country road by William B. Rickards, S. P. Twilley and J. E. Twilley to the corner of D. M. Philips; thence in a westerly direction to William Owens; thence in a southerly direction to A. R. Bradley; thence in a westerly direction to a point of R. Twilley's farm.

Changing
boundary lines
of the two elec-
tion districts
of Representa-
tive District
No 5 of Sussex
County.

Approved March 9, A. D. 1901.

OF LIMITS.

CHAPTER II.

OF LIMITS.

AN ACT DESIGNATING THE VOTING PLACES IN THE ELECTION DISTRICTS OF REPRESENTATIVE DISTRICT NUMBER FIVE IN SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Voting place of
Election Dis-
trict No. 1 of
Representative
District No. 5
to be at or near
Laurel House
in town of
Laurel.

Section 1. That from and after this Act becomes a law every general and special election held in the First Election District of the Fifth Representative District of Sussex County shall be held at or near the Laurel House in the town of Laurel.

Voting place of
Election Dis-
trict No. 2 of
Representative
District No. 5
to be at or near
Store House of
Wm. L. Sir-
man, Town of
Delmar.

And every such election held in the Second Election District of the said Fifth Representative District of Sussex County shall be held at or near the store house of William L. Sirman in the town of Delmar.

Approved March 9, A. D. 1901.

OF LIMITS.

CHAPTER 12.

OF LIMITS.

AN ACT TO DIVIDE THE SECOND ELECTION DISTRICT OF THE TENTH REPRESENTATIVE DISTRICT OF SUSSEX COUNTY INTO TWO ELECTION DISTRICTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That for the purpose of holding elections for Hundred, District, County and State officers in what is now the Second Election District of the Tenth Representative District of Sussex County, the said Election District is hereby divided into two Election Districts, as follows: By a line beginning at Broadkiln Inlet at the entrance to the Delaware Bay; thence up Broadkiln Sound on a line of Broadkiln Hundred to Broadkiln River; thence up said river to Mill Creek; thence up said Mill Creek to Black Oak Gut; thence up Black Oak Gut and across the new road leading from Lewes to Nassau to the old road leading from Milton to Lewes, at or near Yellow Hill School House; thence with said public road by way of Five Points and Prettyman's Corner to the public road leading from Lewes to Rehoboth, at William H. Virden's farm; thence in a southeasterly direction across said Virden farm and southwest of the farm house to the head of Wolf's Glade; thence down and with the stream in said Wolf's Glade to Lewes Creek; thence turning and running in an easterly direction to a point at the ocean shore, one-half mile south of Cape Henlopen Life Saving Station. All that part of the Second Election District of the Tenth Representative District of Sussex County lying on the north side of said dividing line shall remain and be the Second Election District of the Tenth Representative District of Sussex County; and all on the south side of said dividing line shall be the Third Election District of the Tenth Representative District of Sussex County.

Election District No. 2 of Representative District No. 10 of Sussex Co. divided into two election districts.

Boundaries.

Approved March 14, A. D. 1901.

OF LIMITS.

CHAPTER 13.

OF LIMITS.

**AN ACT DESIGNATING THE VOTING PLACES IN THE SECOND AND THIRD
ELECTION DISTRICTS OF THE TENTH REPRESENTATIVE DISTRICT
OF SUSSEX COUNTY.**

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Voting place
in New Second
Election Dis-
trict of Repre-
sentative Dis-
trict No. 10 to
be as before.

Voting place of
Election Dis-
trict No. 3 of
Representative
District No. 10
to be at or near
Henry Wolf's
Old Store.

Section 1. That after this Act becomes a law every general and special election held in the new Second Election District of the Tenth Representative District of Sussex County shall be held at the place heretofore designated by law for holding elections in the Second Election District of the Tenth Representative District of Sussex County, and every general and special election held in the Third Election District of the Tenth Representative District of Sussex County shall be held at Henry Wolf's Old Store, or as near thereto as practicable, in said district.

Approved March 14, A. D. 1901.

OF JUDICIAL REPORTS.

CHAPTER 14.

OF JUDICIAL REPORTS.

AN ACT TO PROVIDE FOR A SECOND EDITION OF HARRINGTON'S REPORTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Associate Judge of the Superior Court resident in Kent County, be and he is hereby authorized and directed to have printed and published at least four hundred copies of each of the five volumes of Harrington's reports, and to deposit in the State Library one hundred copies of each volume of said reports so printed; and on the certificate of the Secretary of State that one hundred copies of any volume of said reports have been so deposited in the State Library, the Governor is authorized to draw his warrant on the State Treasurer to pay for the printing of the same at the price of Ten dollars per copy of each volume so deposited.

Associate
Judge of Kent
County to print
Harrington's
Reports.

Certificate of
Secretary of
State warrant
for payment
thereof.

Price per volume.

Approved March 8, A. D. 1901.

TITLE SECOND.

Of the Public Revenue ; and the Assessment, Collection and Appropriation of Taxes

CHAPTER 15.

OF THE REVENUES OF THE STATE.

AN ACT TO RAISE REVENUE FOR THE STATE BY TAXING CERTAIN CORPORATIONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Subjects of
taxation.

Section 1. That every telegraph, telephone, cable or electric light company, or company organized for the distribution of electricity, heat or power, or organized for the purpose of producing or distributing steam, heat or power, every express company not owned by a railroad company and not otherwise taxed, every company organized for the purpose of the production, distribution, or sale of gas, every parlor, palace, or sleeping car company, every oil or pipe line company, every life insurance company, every fire, marine, live stock, casualty or accident insurance company, except mutual fire insurance companies which do not issue policies on the stock plan, hereafter incorporated under the laws of this State, shall pay an annual tax, for the use of the State by way of license for its corporate franchise as hereinafter mentioned; provided, however, that no company or society shall be construed to be a life insurance company within the purview of this Act, which, by its certificate of incorporation shall have for its object the assistance of sick, needy or disabled members, the defraying of funeral expenses of deceased members, or to provide for the wants of the widows and families of members after death.

OF THE REVENUES OF THE STATE.

Section 2. That on or before the first Tuesday of January next, and annually thereafter, it shall be the duty of the president, treasurer or other proper officer of every corporation hereafter incorporated of the character specified in the preceding Section, to make report to the Secretary of State, stating specifically the following particulars, namely: Each telegraph, telephone, cable or express company not owned by a railroad company and not otherwise taxed, shall state the gross amount of its receipts from business done in this State for the year preceding the making such report; each gas company and electric light company shall state the amount of its receipts for light or power supplied within this State for the year preceding the making of such report, and the amount of dividends declared or paid during the same time; each company organized for the distribution of heat or power or organized for the purpose of producing or distributing steam, heat or power, shall state the amount of its receipts for the distribution of heat or power, or for the production or distribution of steam, heat or power within this State for the year preceding the making of such report, and the amount of dividends declared or paid during the same time; each parlor, palace or sleeping car company shall state the gross amount of its receipts for fare or tolls for transportation of passengers within this State during the same time; each oil or pipe line company engaged in the transportation of oil or crude petroleum shall state the gross amount of its receipts from the transportation of oil or petroleum through its pipes or in and by its tanks or cars in this State during the same time; each fire, marine, live stock, casualty or accident insurance company shall state the total amount of premiums received by it for insurance upon the lives of persons resident or property located within this State, during the same time.

Report to Secretary of State.

Every other corporation shall file with the Secretary of State on or before the first day of January in each year an annual report, which shall state the location of its principal office in this State; the names of its officers, the amount of its authorized capital, the amount actually paid in, the amount invested in real estate, the tax annually thereon and the amount invested in manufacturing or mining in this State, or both.

Section 3. If any officer of any corporation required by this Act to make a return to the Secretary of State, shall, in such return, make any false statement, he shall be deemed guilty of per-

False statement, perjury.

OF THE REVENUES OF THE STATE.

Neglect or refusal to make return; Tax how fixed.

jury; if any such corporation shall neglect or refuse to make such return within the time limited as aforesaid the Secretary of State shall ascertain and fix the amount of the annual license fee or franchise tax, and the basis upon which the same is determined, in such manner as may be deemed by him most practicable, and the amount so fixed by him shall stand as such basis of taxation under this Act.

Rate of tax.

Section 4. That each telegraph, telephone, cable and express corporation shall pay to the State Treasurer for the use of the State, an annual license fee or franchise tax at the rate of one per centum upon the gross amount of its receipts so returned or ascertained; that each corporation organized for the distribution of electricity, heat or power, or organized for the purpose of producing or distributing steam, heat or power, or organized for the purpose of the production, distribution or sale of gas shall pay to the State Treasurer, for the use of the State, an annual license fee or franchise tax at the rate of two-fifths of one per centum upon the gross amount of its receipts so returned or ascertained, and four per centum upon the dividends in excess of four per centum so paid or declared by any such corporation; that each oil or pipe line corporation shall pay to the State Treasurer, for the use of the State, an annual license fee or franchise tax at the rate of three-fifths of one per centum upon the gross amount of its receipts so returned or ascertained; that each insurance company other than life shall pay to the State Treasurer for the use of the State, an annual license fee or franchise tax at the rate of three-fourths of one per centum upon the gross amount of its premiums so returned or ascertained; that each life insurance company shall pay to the State Treasurer, for the use of the State, an annual license fee or franchise tax of three-fourths of one per centum upon the amount of its surplus on the thirty-first day of December next preceding as fixed by Section 5 of this Act, and in addition thereto, a further annual license fee or franchise tax of thirty-one hundredths of one per centum upon the total gross insurance premiums collected by such companies during the year ending the thirty-first of December next preceding. The Insurance Commissioner of this State shall ascertain and report to the Secretary of State all facts necessary to enable the said Secretary of State to ascertain and fix the amount of taxation to be paid by life insurance companies under this Act, and shall also certify to each of said companies the amount of such taxation under this

Duty of Insurance Commissioner.

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Act; that each parlor, palace, or sleeping car corporation shall pay to the State Treasurer, for the use of the State an annual license fee or franchise tax at the rate of one and one-half per centum upon the gross amount of its receipts so returned or ascertained; if any oil or pipe line corporation has part of its transportation line in this State and part thereof in another State or other States, such corporation shall return a statement of its gross receipts for transportation of oil or petroleum over its whole line, together with a statement of the whole length of its line, and the length of its line in this State; such corporation shall pay an annual license fee or franchise tax to the State Treasurer, for the use of the State, at the aforesaid rate upon such proportion of its said gross receipts as the length of its line in this State bears to the whole length of its line; that all other corporations hereafter incorporated under the laws of this State, and not here-
Corporations not hereinbefore provided for.
 inbefore provided for shall pay an annual license fee or franchise tax of one-twentieth of one per centum on all amounts of capital actually paid in up to and including the sum of three million
Rates of tax on.
 dollars; on all sums of capital stock issued and outstanding in excess of three million dollars and not exceeding five million dollars, an annual license fee or franchise tax of one-fortieth of one per centum and the further sum of thirty dollars per annum per one million dollars or any part thereof, on all amounts of capital stock, issued and outstanding in excess of five million dollars; provided, that this Act shall not apply to railroad, rail-
Exemptions.
 way, canal or banking corporations or to savings banks, cemeteries or religious corporations, or to purely charitable or educational associations or manufacturing or mining corporations, at least fifty per centum of whose capital stock issued and outstanding is invested in mining or manufacturing carried on within this State; if any manufacturing or mining company, carrying on business in this State, shall have less than fifty per centum of its capital stock issued and outstanding, invested in business carried on within this State such company shall pay the annual license fee or franchise tax herein provided for companies not carrying on business in this State, but shall be entitled in the computation of such tax, to a deduction from the amount of its capital stock issued and outstanding of the assessed value of its real and personal estate so used in manufacturing or mining, or to any mercantile corporation whose capital actually paid in is invested in a mercantile business and carried on within this State, and which is now subject to a license tax for the carrying on of said business

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under Chapter 117, Volume 13, Laws of Delaware.

Secretary of
State to certify
to State Treas-
urer annual
license fee.

Duty of State
Treasurer to
receive tax.

Interest on tax
unpaid.

Power of Secre-
tary of State to
inquire into
truth of reports

Tax a debt.

Arrearage of
tax.
Attorney Gen-
eral to apply
for injunction

Section 5. That the Secretary of State shall certify and report to the State Treasurer, on or before the first Tuesday of February in each year, a statement of the basis of the annual license fee or franchise tax determined from the annual report filed by each corporation as hereinbefore required, and the amount of tax due thereon respectively, at the rate fixed by this Act; such tax shall thereafter become due and payable and it shall be the duty of the State Treasurer to immediately notify all corporations of the amount of such license fee, or franchise tax due and payable by them and to receive the same; if the tax of any corporation or company remains unpaid on the first day of March after the same becomes due the same shall thenceforth bear interest at the rate of one per centum for each month until paid; the Secretary of State shall have power to inquire into the truth or falsity of every report required to be filed by this Act as may be necessary to carry out the provisions hereof; and may require the production of the books of any such corporation, and may swear or affirm and examine witnesses in relation thereto.

Section 6. That such tax when determined shall be a debt due from such corporation or company to the State, for which an action at law may be maintained after the same shall have been in arrears for the period of one month, such tax shall also be a preferred debt in case of insolvency.

Section 7. That in addition to other remedies for the collection of such tax it shall be lawful for the Attorney General, either of his own motion or upon request of the State Treasurer, whenever any tax due under this Act from any corporation or company shall have remained in arrears for a period of three months after the same shall have become payable, to apply to the Court of Chancery, by petition in the name of the State, on five days' notice to such corporation or company, which notice may be served in such manner as the Chancellor may direct for an injunction to restrain such corporation or company from the exercise of any franchise, or the transaction of any business within this State until the payment of such tax and interest due thereon and the cost of such application shall be fixed by the Chancellor; the said Court is hereby authorized to grant such injunction, if a proper case appears and upon the granting and service of such injunction, it shall not be lawful for any such cor-

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poration or company thereafter to exercise any franchise or transact any business in this State until such injunction shall be dissolved.

Section 8. That this Act shall not apply to or in any manner affect the tax upon the premiums obtained in this State by foreign fire insurance companies and their agents, which tax shall be in lieu of the tax herein provided and shall be collected and distributed as is specially provided by law in relation thereto.

Not to affect tax on premiums on foreign fire insurance companies.

Section 9. When, by the laws of any other State or nation, any other or greater taxes, fines, penalties, licenses, fees or other obligations or requirements are imposed upon corporations of this State, doing business in such other State or nation, or upon their agents therein, than the laws of this State impose upon their corporations or agents doing business in this State, so long as such laws continue in force in such foreign State or nation, the same taxes, fines, penalties, licenses, fees, obligations and requirements, of whatever kind shall be imposed upon all corporations of such other State or nation doing business within this State and upon their agents here; provided, that nothing herein shall be held to repeal any duty, condition or requirement now imposed by law upon such corporations of other States or nations transacting business in the State.

Retaliatory taxation.

Section 10. If any corporation hereafter created shall for two consecutive years neglect or refuse to pay the State any tax which has been or shall be assessed against it, or which it is required to pay, under any law of this State and made payable into the State Treasury, the charter of such corporation shall be void, and all powers conferred by law upon such corporation are hereby declared inoperative and void, unless the Governor shall for good cause shown to him, give further time for the payment of such taxes, in which case a certificate thereof shall be filed by the Governor in the office of the State Treasurer, stating the reasons therefor.

Charter void after failing to pay taxes for two years.

Section 11. On or before the first Tuesday of January in each year the State Treasurer shall report to the Governor a list of all the corporations or companies which for two years next preceding such report have failed, neglected or refused to pay the taxes assessed against them or due by them, under the law of this State, and the Governor shall forthwith issue his procla-

State Treasurer shall report delinquent companies to Governor.

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mation, declaring under this Act of the Legislature that the charters of these corporations are repealed.

Proclamation of Governor to be filed and published.

Section 12. The proclamation of the Governor shall be filed in the office of the Secretary of State, and published in such newspapers and for such length of time as the Governor shall designate.

Penalty for exercise of corporate powers after issue of proclamation

Section 13. Any person or persons who shall exercise or attempt to exercise any powers under the charter of any such corporation after the issuing of such proclamation shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment not exceeding one year, or a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Collection of delinquent taxes.

Attorney General to apply to Court of Chancery.

Sale of property.

Assignment of property to receiver

Sale of property.

Section 14. After any corporation of this State hereafter incorporated has failed and neglected for the space of two consecutive years to pay the taxes imposed on it by law, and the State Treasurer of this State shall have reported such corporation to the Governor of this State, as provided in this Act, then it shall be lawful for the Attorney-General of this State to proceed against said corporation in the Court of Chancery of this State for the appointment of a receiver, or otherwise, and the said court in such proceeding shall ascertain the amount of the taxes remaining due and unpaid by such corporation to the State of Delaware, and shall enter a final decree for the amount so ascertained, and thereupon a fieri facias or other process shall issue for the collection of the same as other debts are collected, and if no property which may be seized and sold on fieri facias shall be found within the said State of Delaware, sufficient to pay such decree, the said court shall further order and decree that the said corporation, within ten days from and after the service of notice of such decree upon any officer of said corporation upon whom service of process may be lawfully made, or such notice as the court shall direct, shall assign and transfer to the trustees or receiver appointed by the court, any chose in action, or any patent or patents, or any assignment of, or license under any patented invention or inventions owned by, leased or licensed to or controlled in whole or in part by said corporation, to be sold by said receiver or trustee for the satisfaction of such decree, and no injunction theretofore issued nor any forfeiture of the charter of any such corporation shall be held to exempt such corporation from compliance with such order of the court; and if the

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said corporation shall neglect or refuse within ten days from and after the service of such notice of such decree to assign and transfer the same to such receiver or trustee for sale as aforesaid, it shall be the duty of said court to appoint a trustee to make the assignment of the same, in the name and on behalf of such corporation, to the receiver or trustee appointed to make such sale, and the said receiver or trustee shall thereupon after such notice, and in such manner as required for the sale under fieri facias of personal property, sell the same to the highest bidder, and the said receiver or trustee, upon the payment of the purchase money, shall execute and deliver to such purchaser an assignment and transfer of all the patents and interests of the corporation so sold, which assignment or transfer shall vest in the purchaser a valid title to all the right, title and interest whatsoever of the said corporation therein, and the proceeds of such sale shall be applied to the payment of such unpaid taxes, together with the costs of said proceedings.

Failure to assign.

Appointment of trustee to assign.

Duty of receiver to assign

Section 15. Whenever it is established to the satisfaction of the Governor that any corporation named in said proclamation has not neglected or refused to pay said tax within two consecutive years, or has been inadvertently reported to the Governor by the State Treasurer as refusing or neglecting to pay the same as aforesaid, that the Governor be and he is hereby authorized to correct such mistake, and to make the same known by filing his proclamation to that effect in the office of the Secretary of State.

Governor to correct mistake.

Proclamation to this effect to be filed.

Section 16. If the charter of any corporation hereafter created shall become inoperative or void by proclamation of the Governor, or by operation of law, for non-payment of taxes the Governor, by and with the advice of the Attorney-General, may, at any time within two years thereafter, or after the default in the payment of such taxes, upon payment by said corporation to the Secretary of State of such sum in lieu of taxes and penalties as to them may seem reasonable, but in no case to be less than the fees required as upon the filing of the original certificate of incorporation, permit such corporation to be reinstated and entitled to all its franchises and privileges, and upon such payment as aforesaid the Secretary of State shall issue his certificate entitling such corporation to continue its said business and its said franchises.

Reinstatement of corporations.

Nothing in this Section contained shall relieve said corporation from penalty of forfeiture of franchises in case of failure to pay future taxes imposed as in this Act provided.

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Review of assessment for readjustment of tax.

Petition for to be within three months from date of assessment.

Section 17. The officers of any corporation who shall consider the tax levied under the provisions of this Act excessive or otherwise unjust, may make application to the Governor for a review of the assessment and a readjustment of the tax; provided, there be filed with the Governor within three months from the date of assessment a petition of appeal, duly verified according to law, stating specifically the grounds upon which the appeal is taken and the reasons why the tax is considered excessive or unjust; the Governor shall thereupon proceed to investigate the contentions raised by the said petition of appeal; and for the purpose of such hearing, the officers of said corporation may be summoned to appear before the Governor, either in person or by attorney, and questioned as to the statements set forth in the said petition of appeal; if, in the opinion of the Governor it shall appear that the tax so levied as aforesaid is excessive or unjust, he shall thereupon require the officers of the corporation to file with him a corrected return, and upon said corrected return the assessment shall be adjusted and the tax reduced or amended as in the opinion of the Governor shall seem proper.

Waiver of appeal.

If the petition of appeal shall not be filed within three months from the date of the assessment, as aforesaid, the right to appeal to the Governor shall be considered and treated as having been waived and the amount of tax levied shall be payable and collectible at once.

Compensation of Secretary of State.

Section 18. That the Secretary of State shall receive for the services required of him under the provisions of this Act the sum of five hundred dollars to be paid to him annually in addition to the salary and fees now provided by law.

Exemption under.
Reason for.

Section 19. That the provisions of this Act shall not apply to corporations heretofore incorporated and the property of such corporations is hereby made exempt from taxation under the provisions of this Act, such exemption, in the opinion of the General Assembly, being best to promote the public welfare.

Approved March 10th, 1899.

Amended and approved March 7th, 1901.

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CHAPTER 16.

House Amendment to House Bill No. 233.

Amend House Bill No. 233, by adding at the end of Section 3 thereof the following: "And by inserting between the words 'Treasurer' and 'to' in the eighth line of Section 5 the following, to immediately notify all corporations of the amount of such license fee, or franchise tax due and payable by them and." Amendment to Sec. 3 of the bill.

Also by adding a new Section thereto as Section 4 as follows: New section added.

"Section 4. That in making publication of the laws enacted at the present Session of the General Assembly, the Secretary of State shall publish the Act to which these amendments are added as the said Act is hereby amended." Title of the bill

An Act to amend Chapter 166 of Volume 21, Laws of Delaware, entitled "An Act to raise revenue for the State by taxing certain corporations," being an act relating to annual reports of corporations, and changing the taxable basis of corporations.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 2 of said Chapter be amended by adding thereto the following, to wit: Amendment to Section 2.

Every other corporation shall file with the Secretary of State on or before the first day of January in each year an annual report, which shall state the location of its principal office in this State; the names of its officers, the amount of its authorized capital, the amount actually paid in, the amount invested in real estate, the tax annually thereon and the amount invested in manufacturing or mining in this State, or both. To file annual report with Secretary of State. To contain location of principal office and names of officers.

Section 2. That Section 4 of said Chapter be amended by striking out all of said Section after the word "shall" in the forty-ninth line thereof to the word "pay" in the fifty-second line thereof, and by striking out of the fifty-fourth line of said Section 4 Amendment to Section 4.

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the words "stock issued and outstanding," and by inserting in lieu thereof the words "actually paid in;" and by striking out the period at the end of said Section 4, and inserting in lieu thereof a comma, and by adding to said Section 4 the following, to wit:

"or to any mercantile corporation whose capital actually paid in is invested in a mercantile business and carried on within this State, and which is now subject to a license tax for the carrying on of said business under Chapter 117, Volume 13, Laws of Delaware."

Amendment to
Section 5

Section 3. That Section 5 of said Chapter be amended by striking out of line 4 of Section 5 the word "returned" and by inserting in lieu thereof the following, to wit: "Determined from the annual report filed;" and by striking out of lines 4 and 5 of said Section 5 the words "or company to or be ascertained by the said Secretary of State" and inserting in lieu thereof the following, to wit: "as hereinbefore required;" and by striking out all of said Section 5 after the word "to" in line twelve thereof to the word "as" in line fourteen thereof, and by inserting in lieu thereof the following, to wit: "inquire into the truth or falsity of every report required to be filed by this Act;" and by striking out of the fifteenth line of said Section 5 the words "of this act" and by inserting in lieu thereof the word "hereof;" and by striking out of the sixteenth line of said Section 5 the words "or company."

Approved March 7, A. D. 1901.

NOTE—Printed as enrolled.

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CHAPTER 17.

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AN ACT TO AMEND CHAPTER 24, VOLUME 14, LAWS OF DELAWARE, AS SUPPLEMENTED BY CHAPTER 364, VOLUME 14, LAWS OF DELAWARE, AND AS AMENDED BY CHAPTERS 10 AND 11, VOLUME 15, LAWS OF DELAWARE, ENTITLED "AN ACT TO RAISE REVENUE FOR THE STATE BY TAXING MANUFACTURERS, AND FOR OTHER PURPOSES."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 24, of Volume 14, as supplemented by Chapter 364 of Volume 14, and as amended by Chapters 10 and 11 of Volume 15, as codified on page 69 of the Revised Code, be and the same is hereby amended as follows, to wit:

That Section 1 of said Act be and the same is hereby amended by striking out all of said Section beginning at the beginning, and down to the words "and provided further" in the fifty-third line thereof, and inserting in lieu thereof the following words, to wit:

That every individual, association of persons, firm or corporation engaged as owner or owners in the production or manufacture, by hand or machinery, of goods, wares or merchandise, or of any article or material, or any combination or composition of any articles or materials of every nature and substance whatsoever, except the usual farm products for home consumption or market purposes, and desiring to continue in said production or manufacture, shall annually hereafter, on or before the first day of June, take out a license to engage in said production or manufacture, for which said individual, association of persons, firm, or corporation shall pay, for the use of the State, the sum of five dollars to the Clerk of the Peace of the county in which such individual, association of persons, firm or corporation is engaged and desires to continue engaged in such production or manufacture; and every such individual, association of persons, firm or

Manufacturers
to take out
licenses on or
before 1st day
of June.
Amount to be
paid.

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To file with Clerk of the Peace statement under oath of true value of real and personal property used by, &c

corporation, shall, on or before the first day of June, annually, hereafter, before taking out said license, file with the said Clerk of the Peace a true statement of the aggregate cost value of all the real and personal property located in this State, and used by such individual, association of persons, firm, or corporation, in said production or manufacture.

Oath or affirmation, how made.

The said statement shall be verified by the oath or affirmation of such individual, or one member of such firm or association of persons, or of the president or other officer of such corporation, that such aggregate cost value does not exceed the sum named, and the said oath or affirmation may be taken before any person who, by the laws of this State, is duly authorized to administer the same. Every such individual, association of persons, firm or corporation, so as aforesaid, engaged and desiring to continue engaged in said production or manufacture, shall, on or before the said first day of June, annually, before taking out the said license, pay to the said Clerk of the Peace for the use of the State in addition to the above named sum of Five dollars, the further sum of one-twentieth of one per cent. on the value of the real and personal estate used in said production or manufacture up to and including the sum of Three million dollars; on the value of said personal and real estate used in said production and manufacture in excess of Three million dollars and not exceeding Five million dollars, an annual tax of one-fortieth of one per cent.; and the further sum of thirty dollars per annum for one million dollars or any part thereof on the value of said personal and real estate so used in said production and manufacture in excess of Five million dollars.

Further sum to be paid.

Term of license.

The license shall authorize the production or manufacture of goods, wares, merchandise, or of any article or material, or any combination of any article or material only at one place, and for only one year from the first of June.

Approved March 12, A. D. 1901.

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CHAPTER 18.

OF THE REVENUES OF THE STATE.

AN ACT TO RE-ADJUST THE AMOUNTS TO BE PAID BY "THE DELAWARE RAILROAD COMPANY," IN COMMUTATION OF ITS STATE TAXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows :

Section 1. That the Treasurer of the State be and he is hereby authorized and directed to accept and receive from The Delaware Railroad Company in the year of our Lord one thousand nine hundred and one, and in each and every year thereafter until otherwise directed by the Legislature, the annual sum of Ten thousand dollars, to be paid in manner following, viz.: the sum of thirty-five hundred dollars on the first day of April, (being in addition to the sum of fifteen hundred dollars paid by said company on the first day of January) and the sum of twenty-five hundred dollars on each of the first days of July and October in the present year, and thereafter by equal quarterly installments of twenty-five hundred dollars each on the first days of January, April, July and October in each year, which said payments shall be in lieu of all taxes which may hereafter become due from said company in each year as aforesaid, under any and all laws of this State; and upon each payment thereof in the manner aforesaid, the State Treasurer shall execute and deliver to said Company a proper acquittance therefore: Provided, however, that nothing in this Act contained shall be construed to repeal, modify or in any manner affect any existing law imposing taxes upon the said Company, otherwise than to suspend collection of said taxes in any year which the said Company shall pay to the State Treasurer the amount specified in this Act, nor shall the provisions of this Act, or anything herein contained, be construed into a contract exempting the said Company from the payment of such taxes as the Legislature of this State may hereafter impose upon said Company.

State Treasurer to receive tax.

Annual amount of.

How paid.

Said payments in lieu of all taxes.

Act not to exempt company from future legislation.

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Former Act
repealed.

Section 2. That the Act entitled "An Act concerning the revenue of the State," passed April 20, 1887, be and the same is hereby repealed.

Approved March 14, A. D. 1901.

CHAPTER 19.

OF THE REVENUES OF THE STATE.

AN ACT PROVIDING FOR THE COMMUTATION BY "THE BALTIMORE AND PHILADELPHIA RAILROAD COMPANY" OF TAXES, PROVIDED FOR BY THE ACT ENTITLED "AN ACT TO RAISE REVENUE FOR THIS STATE," PASSED AT DOVER, AUGUST 11, 1864, THE ACT ENTITLED "AN ACT TAXING RAILROAD AND CANAL COMPANIES IN THIS STATE," PASSED AT DOVER, APRIL 8, 1869, AND THE ACT ENTITLED "A SUPPLEMENT TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE PURCHASERS OF THE WILMINGTON AND WESTERN RAILROAD," PASSED AT DOVER, MARCH 1, 1881.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows :

State Treasurer
to receive tax.

Annual
amount of.

How paid.

Section 1. That if "The Baltimore and Philadelphia Railroad Company" shall pay to the State Treasurer, for the use of the State, the annual sum of twenty-seven thousand five hundred dollars, in equal semi-annual instalments on the first day of April, and the first day of October in each year, the first of such payments to be made on the first day of October, A. D. 1901, for the half year elapsing from the first day of April, A. D. 1901, to the said first day of October, A. D. 1901, and which will then amount to the sum of thirteen thousand seven hundred and fifty dollars, in commutation of all taxes under the provisions of the Act entitled "An Act to raise revenue for this State," passed at Dover, August 11, 1864, and of the Act entitled "An Act taxing

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Railroad and Canal Companies in this State," passed at Dover, April 8, 1869, and of an Act entitled "A Supplement to an Act entitled 'An Act to incorporate the purchasers of the Wilmington and Western Railroad,'" passed at Dover, March 1, 1881, such payments shall be accepted and received in commutation and payment of the taxes which would be otherwise collectible from said Company under the provisions of the three several Acts aforesaid, until the annual gross earnings, per mile, of the said The Baltimore and Philadelphia Railroad shall amount to the sum of Thirty-five thousand one hundred and fifty dollars and twenty-one cents, the amount of the gross earnings per mile, of the Maryland Division of The Philadelphia, Wilmington and Baltimore Railroad for the year 1897.

In lieu of taxes under previous Acts.

Section 2. That this Act shall not in any wise abrogate, repeal or alter the provisions of either of the Acts mentioned and referred to in Section 1 of this Act, but shall only operate to suspend the execution and enforcement of the said several Acts, so long as such semi-annual payments shall be regularly and promptly made, or until it shall be otherwise provided by law. And further, that nothing herein contained shall be construed as a contract exempting or relieving the said corporation from any tax or taxes, which may be hereafter imposed by law.

Not to exempt from taxation hereafter imposed by law.

Approved March 2, A. D. 1901.

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CHAPTER 20.

OF THE REVENUES OF THE STATE.

AN ACT TO RE-ADJUST THE AMOUNTS TO BE PAID BY "THE WILMINGTON AND NORTHERN RAILROAD COMPANY" IN COMMUTATION OF ITS STATE TAXES, UNDER THE ACT OF APRIL 8TH, 1869.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

<p>State Treasurer to receive tax.</p> <p>Annual amount of.</p> <p>How paid.</p> <p>In lieu of all taxes.</p> <p>Not to exempt company from future taxa- tion.</p>	<p>Section 1. That the Treasurer of the State be and he is hereby authorized and directed to accept and receive from The Wilmington and Northern Railroad Company in the year of our Lord one thousand nine hundred and one and in each and every year thereafter, until otherwise directed by the Legislature, the annual sum of Five hundred dollars, to be paid in the manner following, viz.: the sum of One hundred and eighty-seven dollars and fifty cents on the first day of April (being in addition to the sum of Sixty-two dollars and fifty cents paid by the said Company on the first day of January) and the sum of One hundred and twenty-five dollars on each of the first days of July and October in the present year and thereafter by equal quarterly installments of One hundred and twenty-five dollars each on the first days of January, April, July and October in each year, which said payments shall be in lieu of all taxes which may hereafter become due from said Company in each year as aforesaid, under any and all laws of this State; and upon each payment thereof in the manner aforesaid the State Treasurer shall execute and deliver to said Company a proper acquittance therefor; Provided, however, that nothing in this Act contained shall be construed to repeal, modify or in any manner affect any existing law imposing taxes upon the said Company, otherwise than to suspend collection of said taxes in any year which the said Company shall pay to the State Treasurer the amount specified in this Act. Nor shall the provisions of this Act or anything herein contained be construed into a contract, exempting the said Company from the payment of such taxes as the Legislature of this State may hereafter impose upon said Company.</p>
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OF THE REVENUES OF THE STATE.

Section 2. That the Act entitled "An Act Providing for the commutation by 'The Wilmington and Northern Railroad Company' of taxes provided for by the Act entitled 'An Act Taxing Railroad and Canal Companies in this State,'" passed at Dover, April 8, 1869, be and the same is hereby repealed. Former Act repealed.

Approved March 8, A. D. 1901.

CHAPTER 21.

OF THE REVENUES OF THE STATE.

AN ACT TO RE-ADJUST THE AMOUNTS TO BE PAID BY THE DELAWARE, MARYLAND AND VIRGINIA RAILROAD COMPANY, IN COMMUTATION OF ITS STATE TAXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Section 1. That the Treasurer of the State be and he is hereby authorized and directed to accept and receive from The Delaware, Maryland and Virginia Railroad Company in the year of our Lord one thousand nine hundred and one, and in each and every year hereafter until otherwise directed by the Legislature, the annual sum of Eight hundred dollars, to be paid in manner following, viz.: the sum of Two hundred and eighty-seven dollars and fifty cents on the first day of April (being in addition to the sum of One hundred and twelve dollars and fifty cents paid by the said Company on the first day of January) and the sum of Two hundred dollars on each of the first days of July and October in the present year, and thereafter by equal quarterly instalments of Two hundred dollars each on the first days of January, April, July and October in each year, which said payments shall be in lieu of all taxes which may hereafter become due from said Company in each year as aforesaid under State Treasurer to receive tax. Annual amount of. How paid. In lieu of all taxes.

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any and all laws of this State; and upon each payment thereof in the manner aforesaid, the State Treasurer shall execute and deliver to said Company a proper acquittance therefor; Provided, however, that nothing in this Act contained shall be construed to repeal, modify or in any manner affect any existing law imposing taxes upon the said Company, otherwise than to suspend collections of said taxes in any year which the said Company shall pay to the State Treasurer the amount specified in this Act, nor shall the provisions of this Act, or anything herein contained, be construed into a contract exempting the said Company from the payments of such taxes as the Legislature of this State may hereafter impose upon said Company.

Not to exempt
company from
future taxation.

Former acts
repealed.

Section 2. That the Act entitled An Act providing for the commutation by "The Delaware, Maryland and Virginia Railroad Company" of taxes, provided for by the Acts entitled "An Act to raise revenue for this State," passed at Dover, August 11, 1864, and also by the Act entitled "An Act taxing railroad and canal companies in this State," passed at Dover, April 8, 1869," passed April 9, 1885, be and the same is hereby repealed.

Approved March 14, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 22.

OF VETERINARIANS.

AN ACT REQUIRING ALL VETERINARIANS TO REGISTER AND PAY AN ANNUAL LICENSE FEE OF TEN DOLLARS TO THE STATE THEREFOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That all veterinarians now or hereafter intending to practice their profession in the State of Delaware shall appear in the office of the Clerk of the Peace of one of the counties of this State and cause himself to be registered in a book to be kept by the Clerks of the Peace for that purpose, and pay to such Clerk of the Peace a fee of Ten dollars for the State and fifty cents for the fee of such Clerk of the Peace. Such Clerk of the Peace shall issue to such person a license authorizing him to practice the profession of veterinarian within the State of Delaware for the period of one year from the date of such license.

Such licenses shall be prepared by the Secretary of State and issued to such Clerks of the Peace, and the license fees accounted for as in the case of licenses to practice medicine.

Approved March 9, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 23.

OF THE REVENUES OF THE STATE.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT OTHER THAN LEGISLATIVE EXPENSES, FOR THE FISCAL YEAR ENDING ON MONDAY IMMEDIATELY PRECEDING THE SECOND TUESDAY OF JANUARY IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWO.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the several amounts named in this Act or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the Treasury of this State to the respective public officers, and for the several purposes specified for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and two; provided, however, that all parts or portions of the several sums appropriated by this Act, which, on said Monday immediately preceding said second Tuesday of January, A. D. 1902, shall not have been paid out of the Treasury, shall be covered back into the General Fund of the Treasury. The said several sums hereby appropriated are as follows, viz.:

Appropriations for year 1901.

Unexpended moneys covered into treasury.

Governor.

For the Governor for salary, two thousand dollars. For postage, stationery and expenses of Governor's office, five hundred dollars.

Secretary of State.

For the Secretary of State for salary, one thousand dollars.

For indexing and preparing for publication laws of the session of the Legislature, held in the year 1901, five hundred and fifty dollars.

For the Secretary of State to pay the contingent expenses of his office, eight hundred dollars.

For the Secretary of State, as compensation for performing

OF THE REVENUES OF THE STATE.

the duties imposed on him by an Act entitled "An Act to raise revenue for the State by taxing certain corporations," five hundred dollars.

For the Stenographer and Typewriter for the Governor and Secretary of State for salary, six hundred dollars.

Stenographer
and typewriter
for Governor
and Secretary
of State.

For the State Librarian for salary, five hundred and fifty dollars. For current expenses of State Library, one hundred dollars.

Librarian.

For the purchase of law books for State Library, three hundred dollars.

For the Janitor of the State House for salary, five hundred dollars.

Janitor.

For the Chancellor for salary, four thousand and five hundred dollars.

Chancellor.

For the Chancellor for reporting, two hundred dollars.

For the Chancellor to pay the contingent expenses of the Court of Chancery, two hundred dollars.

For the Chancellor as compensation for one hundred copies of "Nicholson's Delaware Chancery Reports," Volume 1, eight hundred dollars.

For the Chief Justice for salary, four thousand and five hundred dollars.

Chief Justice.

For the four Associate Judges salaries, sixteen thousand dollars.

Associate
Judges.

For the Associate Judge resident in Kent County for reporting, two hundred dollars.

Associate
Judge of Kent
County.

For the Associate Judge residing in Kent County as compensation for one hundred copies of "Pennewill's Delaware Reports," Volume 2, one thousand dollars.

Pennewill's
Reports.

For the two Judges under the late Constitution, who were not reappointed under the recently amended Constitution, three thousand dollars.

Ex-Judges.

For the Court Stenographer for salary, one thousand and five hundred dollars. For transcript for Supreme Court and Assistant Stenographer, three hundred and fifty dollars.

Court Steno-
grapher.

OF THE REVENUES OF THE STATE.

- State Treasurer.** For the State Treasurer and Trustees of the School Fund for salary, one thousand four hundred and fifty dollars.
- For the State Treasurer for postage, stationery, clerical assistance and the like to carry out the provisions of Section 22 of Chapter 67 of Volume 21, Laws of Delaware, five hundred dollars.
- Auditor.** For the Auditor of Accounts for salary, one thousand and two hundred dollars.
- For the Auditor of Accounts for postage, stationery, account books, blank and school reports, three hundred and fifty dollars.
- Attorney General.** For the Attorney General for salary, two thousand dollars.
- Deputy Attorney General.** For the Attorney General to pay salary of the Deputy Attorney General, seven hundred and fifty dollars.
- Contingent expenses of Attorney General.** For contingent expenses for the Attorney General, for pay-expenses in criminal prosecutions, one thousand dollars.
- Insurance Commissioner.** For the Insurance Commissioner for the necessary expenses of his office, such as postage, stationery, etc., one hundred and fifty dollars.
- State Detectives.** For the two State Detectives for salaries, two thousand and four hundred dollars.
- For actual expenses in serving requisition papers, three hundred dollars.
- Fish Commissioner.** For the Fish Commissioner for salary and all necessary expenses incurred in discharge of his official duties, five hundred dollars.
- For contingent expenses for the Fish Commissioner to pay postage, stationery, traveling expenses, etc., one hundred and twenty-five dollars.
- Superintendent of Schools.** For the three County Superintendents of Free Schools for salaries, three thousand dollars.
- Oyster Revenue Collector.** For the Oyster Revenue Collector for salary, seven hundred dollars.
- Teachers' Institute, white.** For the expenses of holding the White Teachers' Institutes in the several counties of the State, four hundred and fifty dollars.

OF THE REVENUES OF THE STATE.

For the expenses of holding Colored Teachers' Institute, one hundred and fifty dollars. Teachers' Institute, colored

Act and *For the purpose of carrying into effect the provisions of the National Guard.*
entitled "An Act to provide for the maintenance, discipline
and regulation of the National Guard of Delaware," passed at
Dover, May 7, 1897, including the salary of the Adjutant General, five thousand dollars.

For the Town of Dover to pay for water furnished for the use of the State House, one hundred dollars. Water for State House.

For the Farmers' Institute for the purpose of defraying incidental expenses of holding the same, six hundred dollars. Farmers' Institute.

For the State Board of Agriculture, twelve hundred dollars. State Board of Agriculture.

For the Delaware Industrial School for Girls, one thousand five hundred dollars. Industrial School for girls

For St. Michael's Day Nursery and Hospital for Babes, five hundred dollars. St. Michael's Nursery.

For the Peninsular Horticultural Society, three hundred dollars. Peninsular Horticultural Society.

For the State Board of Health, two thousand dollars. Board of Health.

For the Trustees of Delaware College for the use of said college, being its share of appropriations made by the General Government for the year 1901, twenty thousand dollars. Delaware College.

For the Trustees of the State College for Colored Students for the use of said college, being its share of appropriations made by the General Government for the year 1901, five thousand dollars. College for Colored Students.

For the burial of indigent soldiers, sailors and marines, seven hundred and fifty dollars. Indigent Soldiers, &c.

For the Historical Society of Delaware for the use thereof, three hundred dollars. Historical Society.

For the purpose of reimbursing the owners of diseased cattle killed under the provisions of Section 2 of the Act, entitled "An Act to prevent the spread of contagious or infectious pleuro-pneumonia among the cattle of this State," and for all other expenses under said Act, two hundred dollars. Owners of diseased cattle killed.

OF THE REVENUES OF THE STATE.

- For infectious disease among lower animals.** For the purpose of defraying the expenses involved in carrying out the provisions of the Act entitled "An Act for the eradication of infectious and contagious diseases among the lower animals," and of the amendments thereof, one thousand dollars.
- Insurance.** For insurance against fire on property belonging to the State, two hundred dollars.
- Repairs.** For repairs on property belonging to the State, one hundred and fifty dollars.
- Printing.** For printing Acts and Resolutions of the General Assembly and for all other printing done for the use and benefit of the State, ten thousand dollars.
- Deaf, Dumb, Blind and idiotic.** For the maintenance and instruction of the indigent deaf and dumb, and indigent blind, and indigent idiotic children, in institutions outside of the State, seven thousand dollars.
- Books, &c., for blind.** For the purchase of books, maps or other appliances for the use of the blind, one hundred dollars.
- President of the Board of Trustees of State Hospital to visit outside institutions.** For the president of the Board of Trustees of the State Hospital at Farnhurst, for visiting the institutions outside of this State in which are being instructed at the expense of the State, indigent deaf and dumb, indigent blind and indigent idiotic children, and for making report to the Governor concerning the same, one hundred dollars.
- Report to Governor.**
- School Fund.** For the benefit of the Free Public Schools, and in addition to the income arising from investments of the Public School Fund to be used exclusively for the payment of teachers' salaries and for furnishing Free Text Books, one hundred and twenty thousand dollars.
- House of Refuge.** For the education and training of juvenile delinquents committed from this State to the House of Refuge in the City of Philadelphia and State of Pennsylvania under the provisions of the Act, entitled "An Act to provide for the education and training of juvenile delinquents," passed at Dover, March 9, 1883, three hundred dollars.
- Interest on State debt.** For the purpose of paying interest on the indebtedness of the State, thirty-four thousand dollars.
- State Board of Education and County School Commissions.** For the purpose of paying the expenses of the State Board of Education and also the expenses of the County School Com-

OF THE REVENUES OF THE STATE.

missions under the Act entitled "An Act providing for the establishment of a General System of Free Public Schools," passed at the adjourned Session of the Legislature held in the year 1898, one thousand five hundred and seventy-five dollars.

For the Chairman of the Committee on Traveling Libraries Chairman of Committee on Traveling Libraries.
of the State Federation of Women's Clubs for Delaware. the sum of one hundred dollars for the purpose of establishing a traveling library.

For the purpose of carrying into effect the provisions of the Act entitled "An Act providing for the establishment and maintenance of Free Public Libraries," passed in 1901, five hundred dollars. Free Public Libraries.

For the salary of the Bacteriologist and all expenses of the Pathological and Bacteriological Laboratory at Delaware College, twenty-five hundred dollars. For Bacteriological Laboratory.

For the Delaware Society for the Prevention of Cruelty to Children, for purpose of enforcing laws, etc., nine hundred dollars. Delaware Society for the Prevention of Cruelty to Children.

For Lieutenant Governor for services as member of Board of Pardons, one hundred dollars. Lieutenant Governor.

For Secretary of State for paying cost of official bond, one hundred dollars. Secretary of State, official bond.

For the State Treasurer to carry out the provisions of an Act entitled "An Act providing graded school facilities for the children of this State," approved at Dover, March 9, 1899, four thousand and five hundred dollars. State Treasurer

For the State Treasurer for paying cost of his official bond, three hundred dollars. State Treasurer, official bond.

For the Clerk of the Senate for preparing, indexing and superintending the printing of his Journal, five hundred and fifty dollars. Clerk of the Senate.

For the Clerk of the House of Representatives for preparing, indexing and superintending the printing of his Journal, five hundred and fifty dollars. Clerk of the House.

Approved March 9, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 24.

OF THE REVENUES OF THE STATE.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT OTHER THAN LEGISLATIVE EXPENSES FOR THE FISCAL YEAR ENDING ON MONDAY IMMEDIATELY PRECEDING THE SECOND TUESDAY OF JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND THREE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Appropriations for year 1902.

Section 1. That the several amounts named in this Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the Treasury of this State to the respective public officers and for the several purposes specified for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and three; provided, however, that all parts or portions of the several sums appropriated by this Act which, on said Monday immediately preceding said second Tuesday of January, A. D. 1903, shall not have been paid out of the Treasury shall be covered back into the General Fund of the Treasury. The said several sums hereby appropriated are as follows, viz.:

Unexpended moneys covered into treasury

Governor.

For the Governor for salary, two thousand dollars. For postage, stationery and expenses of Governor's office, five hundred dollars.

Secretary of State.

For the Secretary of State for salary, one thousand dollars.

For the Secretary of State, to pay the contingent expenses of his office, eight hundred dollars.

For the Secretary of State as compensation for performing the duties imposed on him by the provisions of an Act entitled "An Act to raise revenue for the State by taxing certain corporations," enacted by the General Assembly of A. D. 1899, the sum of five hundred dollars.

OF THE REVENUES OF THE STATE.

For the Secretary of State for paying cost of official bond, one hundred dollars.

For Stenographer and Typewriter for the Governor and Secretary of State for salary, six hundred dollars.

Stenographer
and Typewriter
for Governor
and Secretary
of State.

For the State Librarian for salary, five hundred and fifty dollars.

Librarian.

For current expenses of State Library, one hundred and fifty dollars.

For the purchase of law books for State Library, three hundred dollars.

For the Janitor of the State House for salary, five hundred dollars.

Janitor.

For the Chancellor for salary, four thousand and five hundred dollars.

Chancellor.

For the Chancellor for reporting, two hundred dollars.

For the Chancellor to pay the contingent expenses of the Court of Chancery, two hundred dollars.

For the Chief Justice for salary, four thousand and five hundred dollars.

Chief Justice.

For the four Associate Judges for salaries, sixteen thousand dollars.

Associate
Judges.

For the Associate Judge resident in Kent County for reporting, two hundred dollars.

Associate
Judge for Kent
County.

For the Associate Judge resident in Kent County for one hundred copies of "Pennewill's Delaware Reports," Volume 3, one thousand dollars.

Pennewill's
Report.

For the two Judges under the late Constitution, who were not reappointed under the recently amended Constitution, fifteen hundred dollars.

Ex-Judges.

For the Court Stenographer for salary, one thousand and five hundred dollars.

Court Steno-
grapher.

For transcript for Supreme Court and Assistant Stenographer, three hundred and fifty dollars.

OF THE REVENUES OF THE STATE.

State Treasurer.

For the State Treasurer and Trustee of the School Fund for salary, one thousand four hundred and fifty dollars.

For the State Treasurer for postage, stationery, clerical assistance and the like, to carry out the provisions of Section 22, Chapter 67, Volume 21, Laws of Delaware, five hundred dollars.

Auditor.

For the Auditor of Accounts for salary, one thousand and two hundred dollars.

For the Auditor of Accounts for postage, stationery, blanks and school reports, three hundred dollars.

Attorney General.

For the Attorney General for salary, two thousand dollars.

Deputy Attorney General.

For the Attorney General to pay salary of the Deputy Attorney General, seven hundred and fifty dollars.

Contingent expenses of Attorney General.

For contingent expenses for the Attorney General for paying expenses in criminal prosecutions, one thousand dollars.

Insurance Commissioner.

For the Insurance Commissioner for the necessary expenses of his office, such as postage, stationery, etc., one hundred and fifty dollars.

State Detectives.

For the two State Detectives for salaries, two thousand and four hundred dollars.

For actual expenses in serving requisition papers, three hundred dollars.

Fish Commissioner.

For the Fish Commissioner for salary and all necessary expenses incurred in the discharge of his official duties, five hundred dollars.

For the contingent expenses of Fish Commissioner to pay postage and stationery, traveling expenses, etc., one hundred and twenty-five dollars.

Oyster revenue collector.

For the Oyster Revenue Collector for salary, seven hundred dollars.

Superintendents of schools.

For the three County Superintendents of Free Schools for salaries, three thousand dollars.

Teachers' Institute, white.

For the expenses of holding the White Teachers' Institute in the several counties of the State, four hundred and fifty dollars.

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For the expenses of holding Colored Teachers' Institute, Teachers' Institute, colored
one hundred and fifty dollars.

For Registrars and Associate Registrars for compensation Registration Officers.
for their services, eleven thousand dollars.

For the Department of Elections for the City of Wilming- Department of Elections.
ton, four thousand and three hundred dollars.

For the purpose of carrying into effect the provisions of the National Guard.
Act entitled "An Act to provide for the maintenance, discipline
and regulation of the National Guard of Delaware," passed at
Dover, May 7, 1897, including the salary of the Adjutant Gen-
eral, five thousand dollars.

For the town of Dover to pay for water furnished for the Water for State House.
use of the State House, one hundred dollars.

For the Farmers' Institute for the purpose of defraying inci- Farmers' Institute.
dental expenses of holding the same, six hundred dollars.

For the State Board of Agriculture, twelve hundred dollars. Board of Agriculture.

For the Delaware Industrial School for Girls, twenty-five Industrial School for girls
hundred dollars.

For St. Michael's Day Nursery and Hospital for Babes, five St. Michael's Nursery.
hundred dollars.

For the Peninsular Horticultural Society, three hundred Peninsular Horticultural Society.
dollars.

For the State Board of Health, two thousand dollars. Board of Health.

For the Trustees of Delaware College for the use of said Delaware College.
college, being its share of appropriation made by the General
Government for the year 1902, twenty thousand dollars.

For the Trustees of the State College for Colored Students College for colored students.
for the use of said college, being its share of appropriations made
by the General Government for the year 1902, five thousand dol-
lars.

For the burial of indigent soldiers, sailors or marines, seven Indigent Soldiers, &c.
hundred and fifty dollars.

For the Historical Society of Delaware for the use thereof, Historical Society.
three hundred dollars.

OF THE REVENUES OF THE STATE.

For owners of diseased cattle killed.	For the purpose of reimbursing the owners of diseased cattle killed under the provisions of Section 2 of the Act entitled "An Act to prevent the spread of contagious or infectious pleuropneumonia among the cattle of this State," and for all other expenses under said Act, two hundred dollars.
For infectious diseases among lower animals.	For the purpose of defraying the expenses involved in carrying out the provisions of the Act entitled "An Act for the eradication of infectious and contagious diseases among the lower animals," and of the amendments thereof, one thousand dollars.
Insurance.	For insurance against fire on property belonging to the State, two hundred dollars.
Repairs.	For repairs on property belonging to the State, one hundred and fifty dollars.
Printing.	For printing done for the use and benefit of the State, including the books and papers to be furnished to the Registration officers, ten thousand dollars.
Deaf, Dumb, Blind and idiotic.	For the maintenance and instruction of the indigent deaf and dumb, and indigent blind, and indigent idiotic children, in institutions outside of the State, seven thousand dollars.
Books, &c. for blind.	For the purchase of books, maps and other appliances for the use of the blind, one hundred dollars.
President of Board of Trustees of State Hospital to visit outside institutions.	For the President of the Board of Trustees of the State Hospital at Farnhurst for visiting the institutions outside of the State in which are being instructed, at the expense of the State, indigent deaf and dumb, indigent blind and indigent idiotic children, and for making report to the Governor concerning the same, one hundred dollars.
Report to Governor.	
School fund.	For the benefit of the Free Public Schools and in addition to the income arising from the investments of the Public School Fund, to be used exclusively for the payment of teachers' salaries and for furnishing free text books, one hundred and twenty thousand dollars.
House of Refuge.	For the education and training of juvenile delinquents committed from this State to the House of Refuge in the City of Philadelphia and State of Pennsylvania under the provisions of the Act entitled "An Act to provide for the education and training of juvenile delinquents," passed at Dover, March 9, 1883, three hundred dollars.

OF THE REVENUES OF THE STATE.

For the purpose of paying interest on the indebtedness of the State, thirty-four thousand dollars. Interest on State debt.

For the purpose of paying the expenses of the State Board of Education and also the expenses of the County School Commissions under the Act entitled "An Act providing for the establishment of a General System of Free Public Schools," passed at the adjourned session of the Legislature held in the year 1898, one thousand five hundred and seventy-five dollars. State Board of Education and county school commissions.

For the State Treasurer to carry out the provisions of an Act entitled "An Act providing graded school facilities for the children of this State," approved at Dover, March 9, 1899, four thousand and five hundred dollars. State Treasurer.

For the Chairman of the Committee on Traveling Libraries of the State Federation of Woman's Clubs for Delaware, the sum of one hundred dollars for the purpose of establishing a traveling library. Chairman of committee on traveling libraries.

For the purpose of carrying into effect the provisions of the Act entitled "An Act providing for the establishment and maintenance of Free Public Libraries," passed in 1901, five hundred dollars. Free public libraries.

For the salary of the Bacteriologist and all expenses of the Pathological and Bacteriological Laboratory at Delaware College, twenty-five hundred dollars. For Bacteriological Laboratory.

For the Delaware Society for the Prevention of Cruelty to Children, for the purpose of enforcing laws, etc., nine hundred dollars. Delaware Society, prevention of cruelty to children.

For the Lieutenant-Governor for services as member of Board of Pardons, one hundred dollars. Lieutenant Governor.

For the State Treasurer for paying cost of his official bond, three hundred dollars. State Treasurer, official bond.

Approved March 9, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 25.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING CERTAIN MONEY OUT OF THE STATE TREASURY TO PAY SUNDRY CLAIMS AGAINST THE STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sundry claims.

Section 1. That the several sums of money hereinafter named are hereby appropriated out of the Treasury of the State for the purpose of paying the claims hereinafter mentioned, and the State Treasurer is hereby authorized and directed to pay the same, that is to say:

The Republican Printing and Publishing Co....	2.40
The Republican Printing and Publishing Co....	2.80
The Republican Printing and Publishing Co....	1.80
The Republican Printing and Publishing Co....	13.80
The Republican Printing and Publishing Co....	1.50
The Republican Printing and Publishing Co....	4.90
The Republican Printing and Publishing Co....	4.90
The Republican Printing and Publishing Co....	23.80
The Republican Printing and Publishing Co....	9.00
Star Publishing Co.	9.35
James W. Robertson	47.50
Frank Reedy	6.00
John B. Wharton	24.66
James C. Tomlinson	26.00
Alonzo Scotten	13.00
James W. Wise	26.00
School Commissioners of the Selbyville Public School	266.71
William Virdin	24.00
Robert S. Stuart	28.75
News Publishing Co.	9.00
News Publishing Co.	14.50
News Publishing Co.	11.00

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News Publishing Co.	6.50
News Publishing Co.	6.50
News Publishing Co.	3.50
News Publishing Co.	6.50
News Publishing Co.	9.00
Milford Times	9.50
Milford Times	12.00
Milford Times	10.00
Milford Times	12.00
Milford Times	13.00
John H. Wiley	95.48
Sussex Journal	13.60
Sussex Journal	141.80
Sussex Journal	5.00
Sussex Journal	9.00
J. A. Hartnett & Bro.....	29.17
J. S. Godwin	14.25
William Uhlig	9.85
Dover Index	242.25
Delaware Pilot	12.20
J. A. Clifton	36.80
J. A. Clifton	5.84
Wm. L. Pritchett	9.00
Delaware Democrat Publishing Co.....	11.80
Delaware Democrat Publishing Co.....	7.60
Delaware Democrat Publishing Co.....	18.90
Roman Tammany	20.00
Star Publishing Co.	115.75
C. C. Tindal	72.50
County Treasurer of Kent Co.	72.00
Diamond State Telephone Co.....	55.33
J. A. Clifton	185.05
T. K. Jones & Bro.	69.00
F. S. Herrington	39.00
The Delawarean	4.30
The Delawarean	12.00
The Delawarean	1.35
The Delawarean	1.50
The Delawarean	69.45
The Delawarean	17.60
W. T. Smith	92.00
Theodore Townsend	32.75

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Theodore Townsend	3.80
Theodore Townsend	87.40
Theodore Townsend	11.70
D. H. Frazier	70.04
Clarke & McDaniel	12.25
Dover Index	76.80
Dover Index60
Dover Index90
Dover Index	1.00
Star Publishing Co.	202.50
Emma Hutson, Executrix	12.00
Emma Hutson, Executrix	8.00
B. J. McVey	50.40
B. J. McVey	33.67
B. J. McVey	43.10
B. J. McVey	52.21
B. J. McVey	27.65
B. J. McVey	103.58
B. J. McVey	45.50
L. C. Scott	14.00
W. A. Reynolds	30.00
George C. Whiteman	49.00
The Electric Press	3.35
W. J. Massey	5.00
Harry B. Grieves	6.50
Journal Printing Co.	80.05
The Union Republican Publishing Co.	291.00
The State Sentinel Printing Co.	51.00
James Kirk & Son	232.09
Dover Machine Works	60.61
Dover Gas Light Co.	186.76
The Sentinel Printing Co.70
The Sentinel Printing Co.	5.00
The Sentinel Printing Co.	1.10
The Sentinel Printing Co.	15.90
The Sentinel Printing Co.	233.50
Richard B. Cooper	140.00
Thomas W. Jefferson	200.00
J. E. Carroll	10.00
Theo. Townsend	343.45
Layton & Layton	38.35
Layton & Layton	18.20

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Layton & Layton	38.05
Frank P. Ewing	75.00
T. K. Jones & Bro.	6.80
Smyrna Times	386.15
Sussex Republican	21.35
Daniel Short	12.00
Dr. T. A. Neal	12.00
John Heyd	12.00
J. T. Shallcross	12.00
Francis J. McNulty	35.00
Slaughter & Bice	733.86
John P. Donohoe	137.20
Lewis Dickey	122.50

Approved March 9, A. D. 1901.

CHAPTER 26.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING CERTAIN MONEY OUT OF THE STATE TREASURY OF THIS STATE TO PAY THE CLAIM OF CLARKE AND MCDANIEL FOR STATIONERY AND SUPPLIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of one thousand four hundred and sixteen dollars and ten cents (\$1416.10) is hereby appropriated out of the Treasury of this State for the purpose of paying the claim of Clarke and McDaniel for stationery and supplies, and the State Treasurer is hereby authorized and directed to pay the same. Clarke and
McDaniel.

Approved February 6, A. D. 1901.

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CHAPTER 27.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING TWO HUNDRED DOLLARS TO HERRING HALL-MARVIN SAFE COMPANY FOR TWO SAFES RECENTLY PURCHASED FOR THE SENATE AND HOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Mafes for Men-
ate and House.

Section 1. That the State Treasurer be and he is hereby authorized and directed to pay to Herring-Hall-Marvin Safe Company two hundred dollars for the two safes recently purchased by the State for the Senate and House.

That the said sum is hereby appropriated out of any moneys now remaining in the Treasury of the State of Delaware for the payment of said amount.

Approved March 14, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 28.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING ONE HUNDRED DOLLARS TO THE MERCANTILE
PRINTING COMPANY FOR PRINTING ONE THOUSAND COPIES OF THE
CORPORATION LAWS FOR THE SECRETARY OF STATE.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Section 1. That the sum of one hundred dollars be and the same is hereby appropriated to the Mercantile Printing Company for printing one thousand copies of the Corporation Laws for the Secretary of State.

And the State Treasurer be and he is hereby authorized and directed to pay said appropriation out of any moneys in the Treasury to the credit of the General Fund not otherwise appropriated.

Approved March 9, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 29.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING FIVE HUNDRED AND EIGHTY-NINE DOLLARS AND FIFTEEN CENTS TO THE DOVER INDEX FOR PRINTING LICENSES, CORPORATION BLANKS, &c., FOR THE SECRETARY OF STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

The Dover
Index.

Section 1. That the sum of five hundred and eighty-nine dollars and fifteen cents be and the same is hereby appropriated to The Dover Index for printing licenses, corporation blanks, etc., for the Secretary of State.

And the State Treasurer be and he is hereby authorized and directed to pay said appropriation out of any moneys in the Treasury to the credit of the General Fund not otherwise appropriated.

Approved March 9, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 30.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING SIX HUNDRED AND ONE DOLLARS AND SIXTY-ONE CENTS TO JAMES H. HUGHES, FORMER SECRETARY OF STATE, TO REIMBURSE HIM FOR MONEY EXPENDED BY HIM FOR CONTINGENT EXPENSES OF THE OFFICE OF SECRETARY OF STATE AND TO PAY HIM FOR RECORDING REPORT, FIELD NOTES, &C., RELATING TO THE BOUNDARY BETWEEN THE STATE OF DELAWARE AND THE COMMONWEALTH OF PENNSYLVANIA.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of six hundred and one dollars and sixty-one cents be and the same is hereby appropriated to James H. Hughes, three hundred and forty-one dollars and sixty-one cents thereof to reimburse him for money expended by him for contingent expenses of the office of Secretary of State and two hundred and sixty dollars to pay him for recording report, field notes, etc., relating to the boundary between the State of Delaware and the Commonwealth of Pennsylvania.

James H.
Hughes, ex-
Secretary of
State.

And the State Treasurer is hereby authorized and directed to pay the amount so appropriated out of any moneys in the General Fund not otherwise appropriated.

Approved March 9, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 31.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING NINETY-NINE DOLLARS TO EDWARD FOWLER,
THE LATE INSURANCE COMMISSIONER.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Edward Fowler,
late Insurance Commissioner.

Section 1. That ninety-nine dollars be and the same is hereby appropriated to Edward Fowler, late Insurance Commissioner, for payment of balance of salary which the revenues collected by him were insufficient to pay, as shown by settlement with Auditor of Accounts.

And the State Treasurer be and he is hereby authorized and directed to pay the said sum so appropriated out of any moneys in General Fund not otherwise appropriated.

Approved February 25, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 32.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING SEVENTY-NINE DOLLARS AND TWENTY-SIX CENTS TO PAY ANDREW J. HORSEY, COLUMBUS WATKINS AND JOHN S. HERRINGTON, COMMISSIONERS, UNDER CHAPTER 515, VOLUME 20, LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of seventy-nine dollars and twenty-six cents be and the same is hereby appropriated to be paid to Andrew J. Horsey, Columbus Watkins and John S. Herrington, Commissioners under Chapter 515, Volume 20, Laws of Delaware, to be paid as follows:

To Andrew J. Horsey, twenty-nine dollars and ninety-four cents.

To Columbus Watkins, twenty-four dollars and ninety-six cents.

To John S. Herrington, twenty-four dollars and thirty-six cents.

And the State Treasurer be and he is hereby authorized and directed to pay said amounts to the persons named out of any moneys in the Treasury to the credit of the General Fund not otherwise appropriated.

Approved March 14, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 33.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING MONEY TO PAY THOMAS W. JEFFERSON, THE
STATE LIBRARIAN, FOR MAKING A CATALOGUE OF THE STATE
LIBRARY.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Thomas W.
Jefferson, State
Librarian.

Section 1. That the sum of seven hundred and fifty dollars
be and the same is hereby appropriated to Thomas W. Jefferson,
State Librarian, in payment for his services in making a new
catalogue of the State Library.

And the State Treasurer is authorized and directed to pay
the said sum so appropriated out of any money in the State
Treasury to the credit of the General Fund and not otherwise
appropriated.

Approved March 14, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 34.

OF THE REVENUES OF THE STATE.

AN ACT TO APPROPRIATE MONEY TO COVER CERTAIN PAYMENTS OF
STATE MONEY BY THE STATE TREASURER.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met:*

Section 1. That the sum of two hundred and eight dollars and forty-one cents be and the same is hereby appropriated to the State Treasurer to cover payments of public money made by him in the year 1901 to the Department of Elections of the City of Wilmington and the Presidential Electors, which were not provided for in the General Appropriation Law.

Approved March 9, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 35.

OF THE REVENUES OF THE STATE.

AN ACT AUTHORIZING THE STATE TREASURER TO PAY TO ISAAC N. FOOKS THE SUM OF FOUR HUNDRED DOLLARS FOR PREPARING THE ANNUAL REPORT OF JOHN A. LINGO, LATE AUDITOR OF ACCOUNTS, DECEASED, FOR THE YEAR 1899, AND FOR THE SUPERINTENDING THE PUBLICATION THEREOF.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Isaac N. Fooks,
late Auditor of
Accounts.

Section 1. That the State Treasurer be and he is hereby authorized and directed to pay to Isaac N. Fooks the sum of four hundred dollars for preparing the annual report of John A. Lingo, late Auditor of Accounts, deceased, for the year 1899, and for superintending the publication thereof. And the said sum of four hundred dollars be and the same is hereby appropriated out of any money in the Treasury for that purpose.

Approved March 9, A. D. 1901.

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CHAPTER 36.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING SIX HUNDRED DOLLARS TO DEFRAY THE EXPENSES OF INAUGURATING THE GOVERNOR AND LIEUTENANT GOVERNOR-ELECT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, three-fourths of all the members elected to each House concurring herein :

Section 1. That the sum of six hundred dollars or so much thereof as is necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the expenses of inaugurating the Governor and Lieutenant-Governor elect. And the State Treasurer is hereby directed to pay the same to the Chairman of the Joint Legislative Committee on said Inauguration, said Chairman to present and file with the State Treasurer proper vouchers for the expenditure of the same.

Approved January 15, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 37.

OF THE REVENUES OF THE STATE.

AN ACT TO APPROPRIATE MONEY TO PAY THE EXPENSES OF ATTENDING THE CEREMONIES OF THE INAUGURATION OF THE PRESIDENT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Inauguration
of President of
the U. S.

Section 1. That the sum of twenty-seven hundred dollars be and the same is hereby appropriated to pay the expenses of the Governor and his Staff, other State officers, the members and officers of the Legislature and the militia in attending the ceremonies of the inauguration of the President on the fourth of March.

Section 2. That said money or so much thereof as is necessary so appropriated shall be paid by the State Treasurer to the Committee of the General Assembly on Arrangements to attend said inaugural ceremonies upon their order.

Approved February 27, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 38.

OF THE REVENUES OF THE STATE.

AN ACT TO GRANT STATE AID TO THE GRAND ARMY OF THE REPUBLIC OF THE DEPARTMENT OF DELAWARE FOR THE PURPOSE OF DEFRAISING THE ANNUAL EXPENSES OF THE SEVERAL GRAND ARMY POSTS IN THE STATE OF DELAWARE, FOR THE EXPENSES INCURRED BY SAID POSTS ANNUALLY IN THE PROPER OBSERVANCE OF MEMORIAL DAY.

ENACTING CLAUSE:

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of one thousand dollars shall annually hereafter be paid over by the State Treasurer of the State of Delaware, out of the money that shall be in his hands, which belongs to said State, to the regular elected Commander of the "Grand Army of the Republic" of the State of Delaware for the purpose of defraying the expenses incurred by the several Grand Army Posts in said State, in the proper observance of Memorial Day in the State of Delaware. And that the said Treasurer shall annually pay over the said sum of one thousand dollars to such person who is, at that time, the duly elected Commander of the State Department of the Grand Army of the Republic, of the Department of the State of Delaware, on or before the first day of May in every year, from and after the passage of this Act; and the said Department Commander shall, when he doth annually receive from the said State Treasurer said sum of one thousand dollars, give to said State Treasurer a receipt for the same.

Grand Army
Republic.

State Treas-
urer to pay to
Commander
thereof.

To be receipted
for.

Section 2. Said Department Commander shall, at the time he receives from said State Treasurer, annually, said sum of one thousand dollars, enter into bond to the State of Delaware, before said State Treasurer, with surety, to be approved by said State Treasurer, in the sum of two thousand dollars, for the faithful performance of his duties under this Act, as the Department Commander of the Grand Army of the Republic of the De-

To give bond.

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partment of Delaware, binding himself and his surety for the just and faithful appliance of all moneys coming into the hands of said Department Commander, under and by this Act, in a just and equitable manner, to the best of his skill and judgment, amongst and between all of the Grand Army Posts in the State of Delaware for the purpose of aiding all of such Posts in said State to properly celebrate Memorial Day annually therein.

Celebration of
Memorial Day.

Section 3. The Department Commander of the Grand Army of the Republic of the State of Delaware shall, previous to the expiration of his term of office as such Commander, submit a written report to the Council of Administration of the State Department of the Grand Army of the Republic of the State of Delaware, setting forth therein how he has applied all the money he has under this Act received from the State Treasurer, the several amounts he has paid over to each Grand Army Post in said State, and proper vouchers from each Post Commander in this State, showing what portion of said sum of one thousand dollars was received by each of Posts from the Department Commander for the proper observance of Memorial Day during his term of office as such Department Commander.

To submit
written report.

Vouchers from.

Section 4. This Act shall be deemed and taken to be a public Act.

Approved March 8, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 39.

OF THE REVENUES OF THE STATE.

AN ACT TO PROVIDE FOR THE PAYMENT OF CERTAIN EXPENSES INCURRED IN THE BURIAL OF CERTAIN INDIGENT SOLDIERS, SAILORS OR MARINES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of all the members elected to each House concurring herein) :

Section 1. That there is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, the sum of six hundred and twenty-five dollars, or so much thereof as may be necessary, to the Department Commander of Delaware, Grand Army of the Republic, for the purpose of paying the funeral expenses of twenty-five indigent soldiers, sailors and marines, the annual State appropriation therefor having been exhausted.

Appropriation
for burial of in-
digent soldiers
&c.

Approved March 8, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 40.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING ONE HUNDRED AND TWENTY-FOUR THOUSAND DOLLARS TO "THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST."

Whereas, During the past year sundry debts, amounting to about the sum of seventeen thousand dollars, were created by "The State Board of Trustees of the Delaware State Hospital at Farnhurst" for necessary expenses in the wages of employes required at the State Hospital at Farnhurst, and in the clothing and maintenance of the inmates of said Hospital for the year nineteen hundred; for the payment of which said bills there are no funds in the hands of the said State Board of Trustees. And

Whereas, It is necessary to provide for said deficiency, as well as to make appropriation to meet the current expenses for the years nineteen hundred and one and nineteen hundred and two.

Now therefore, Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Amount appropriated for expenses of Delaware State Hospital to cover deficiency.

Section 1. That the sum of seventeen thousand dollars be and the same is hereby appropriated and authorized to be paid out of the Treasury of this State immediately upon the adoption of this Act, to "The State Board of Trustees of the Delaware State Hospital at Farnhurst," to pay bills incurred by the said State Board of Trustees for necessary expenses during the year nineteen hundred.

Appropriation for 1901.

Section 2. That the further and additional sum of fifty-three thousand and five hundred dollars be and the same is hereby appropriated and authorized to be paid out of the Treasury of this State, to "The State Board of Trustees of the Delaware State Hospital at Farnhurst" for the use and support of "The Delaware State Hospital at Farnhurst" during the fiscal year ending on the second Tuesday in January, in the year nineteen hundred and two.

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Section 3. That the further and additional sum of fifty-three thousand and five hundred dollars be and the same is hereby appropriated and authorized to be paid out of the Treasury of this State to "The State Board of Trustees of the Delaware State Hospital at Farnhurst," for the use and support of "the Delaware State Hospital at Farnhurst," during the fiscal year ending on the second Tuesday in the month of January in the year nineteen hundred and three. ^{Appropriation for 1902.}

Approved January 29, A. D. 1901.

CHAPTER 41.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING FIFTY-FIVE HUNDRED DOLLARS (\$5,500) TO PAY THE OVERDUE AND UNPAID ACCOUNTS OF AND FOR THE MAINTENANCE AND INSTRUCTION OF DEAF, DUMB, BLIND AND IDIOTIC CHILDREN IN INSTITUTIONS OUTSIDE OF THE STATE.

Whereas, By the Acts providing for appropriations for expenses of the State Government for the fiscal years ending in 1900 and 1901, but twenty-eight hundred dollars (\$2800) was appropriated for each year for the maintenance and instruction of the indigent deaf, dumb, blind and idiotic children in institutions outside of the State; and

Whereas, There have been, during such years and now are, twenty-nine pupils from this State in such institutions, at an expense of about sixty-seven hundred dollars (\$6700) per annum; and

Whereas, There are in consequence of such insufficient appropriation overdue and unpaid bills for the maintenance and instruction of such children in such institutions about fifty-three hundred and forty-five dollars (\$5345) which, with the interest

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thereon, now amounts to about fifty-five hundred dollars (\$5500);

Now therefore, Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of all the members of both Houses concurring therein):

Appropriation
to cover defi-
ciency of deaf,
dumb, blind
and idiotic.

Section 1. That the sum of fifty-five hundred dollars (\$5500), or so much thereof as is necessary, be and the same is hereby appropriated and authorized to be paid out of the Treasury of this State for the purpose of paying and discharging the overdue and unpaid accounts of institutions outside of this State for the instruction of deaf, dumb, blind and idiotic children of this State in such institutions. And the State Treasurer is hereby authorized to pay the same to the institutions so entitled upon the warrant of the Governor therefor.

Approved March 9, A. D. 1901.

CHAPTER 42.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING MONEY TO THE DELAWARE SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourth of all the members elected to each House concurring therein):

Appropriation
for the preven-
tion of cruelty
to children.

Section 1. That the sum of nine hundred dollars (\$900) be and it is hereby appropriated to The Delaware Society for the Prevention of Cruelty to Children, a corporation of the State of Delaware, each year until otherwise provided by law, and that the State Treasurer be and is hereby authorized and directed to pay annually during the month of March in each year, to the

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Treasurer of said corporation, the said sum of nine hundred dollars (\$900), the first payment under this Act to be made in the month of March, A. D. 1901; the said sum so appropriated, when paid, to be used in providing effective means for the prevention of cruelty to children throughout the State of Delaware, and for the enforcement of all laws heretofore or hereafter enacted in relation thereto, pursuant to an Act entitled "An Act for the Prevention of Cruelty to Children," passed March 18, A. D. 1879, being Chapter 150, Volume 16, Laws of Delaware, and of the Acts supplementary and amendatory of the same.

Approved March 2, A. D. 1901.

CHAPTER 43.

OF THE REVENUES OF THE STATE.

AN ACT TO APPROPRIATE TWENTY-FIVE THOUSAND DOLLARS FOR THE
ERECTION AND REPAIR OF BUILDINGS AT DELAWARE COLLEGE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of all the members elected to each House concurring therein) :

Section 1. That for the erection and alteration of necessary buildings on the grounds of Delaware College, at Newark, in this State, to enable said College to carry into effect the purposes of Congress in said Acts, the sum of twenty-five thousand dollars is hereby appropriated out of any money not otherwise appropriated, to be paid by the State Treasurer to the Trustees of said College as follows: One-half thereof on the first day of July, A. D. 1901, and the other half on the first day of July, A. D. 1902.

Appropriation
for Delaware
College.
Purpose of.

Approved March 9, A. D. 1901.

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CHAPTER 44.

OF THE REVENUES OF THE STATE.

AN ACT TO APPROPRIATE SIX THOUSAND DOLLARS FOR THE ERECTION
AND REPAIR OF BUILDINGS AT THE STATE COLLEGE FOR COLORED
STUDENTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of all the members elected to each House concurring therein):

Appropriation
for State Col-
lege for Color-
ed Students.

Purpose of.

Section 1. That for the erection and alteration of necessary buildings on the grounds of the State College for Colored Students, near Dover, Kent County, in this State, the sum of six thousand dollars is hereby appropriated out of any money not otherwise appropriated to be paid by the State Treasurer to the Trustees of said College, as follows: One-half thereof on the first day of July, A. D. 1901, and the other half on the first day of July, A. D. 1902.

Approved March 9, A. D. 1901.

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CHAPTER 45.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING MONEY TO THE BOARD OF EDUCATION OF THE UNITED SCHOOL DISTRICTS OF LAUREL TO PAY FOR PUPILS WHO ATTENDED SAID SCHOOLS FROM OTHER DISTRICTS UNDER GRADED SCHOOL LAW.

Whereas, Under the Graded School Law fourteen pupils from districts outside of Laurel attended the Laurel Schools during the school year 1899-1900; and

Whereas, The Principal of the Laurel Schools failed to report to the State Board of Education the admission of such pupils as required by law, and the State Treasurer, on account of such failure, did not pay for the attendance of such pupils the amount due therefor, which is the sum of \$179.43; now therefore;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of one hundred and seventy-nine dollars and forty-three cents be and the same is hereby appropriated to the Board of Education of the United School Districts of Laurel, to pay for the attendance of pupils from outside of the District who attended said schools during the school year 1899-1900.

Appropriation
to United
School Dis-
tricts of Laurel

And the State Treasurer is hereby authorized and directed to pay said amount out of any moneys in the Treasury to the credit of the General Fund not otherwise appropriated.

Approved March 14, A. D. 1901.

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CHAPTER 46.

OF THE REVENUES OF THE STATE.

AN ACT TO APPROPRIATE MONEY FOR PAYMENT OF DISBURSEMENTS
MADE OR TO BE MADE IN THE DEFENSE OF THE ACTION OF THE
STATE OF NEW JERSEY AGAINST THE STATE OF DELAWARE,
PENDING IN THE SUPREME COURT OF THE UNITED STATES.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met, (three-fourths of all the mem-
bers elected to each House concurring therein) :*

Appropriation
for purposes of
suits pending
between New
Jersey and
Delaware.

Section 1. That the sum of one thousand dollars is hereby appropriated to meet the necessary expenses and disbursements, made or to be made, in the defense of the suit pending in the Supreme Court of the United States, wherein the State of New Jersey is complainant and the State of Delaware is defendant. And the Governor is hereby authorized, from time to time, to draw his warrant or warrants upon the State Treasurer for the said sum or any part or parts thereof upon the certificate of the Attorney-General that such disbursements have been made or are proper to be made.

Approved March 9, A. D. 1901.

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CHAPTER 47.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING ONE THOUSAND DOLLARS TO DEFRAY THE EXPENSES OF THE STATE BOARD OF AGRICULTURE IN MAKING AN EXHIBITION OF THE AGRICULTURAL PRODUCTS OF THE STATE AT THE PAN-AMERICAN EXPOSITION AT BUFFALO.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of one thousand dollars be and the same is hereby appropriated to the State Board of Agriculture to defray the expenses of said Board in making an exhibition of the agricultural products of the State at the Pan-American Exposition at Buffalo.

The said appropriation shall be paid to said State Board of Agriculture by the State Treasurer out of any money to the credit of the General Fund not otherwise appropriated.

Said State Board of Agriculture shall make a report to the next session of the General Assembly, setting forth all items of expenditure and shall submit their vouchers for such expenditure.

Approved March 9, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 48.

OF THE REVENUES OF THE STATE.

AN ACT TO REPEAL CHAPTER 174 OF VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT APPROPRIATING FIFTEEN HUNDRED DOLLARS ANNUALLY TO THE AGRICULTURAL SOCIETY OF THE STATE OF DELAWARE," TO BE USED IN ENCOURAGING AND PROMOTING AGRICULTURE, HORTICULTURE AND THE DOMESTIC ARTS BY THE CITIZENS OF THIS STATE."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 174.
Volume 21.
Laws of Delaware, repealed

Section 1. That Chapter 174, of Volume 21, Laws of Delaware, entitled "An Act appropriating fifteen hundred dollars annually to the Agricultural Society of the State of Delaware," to be used in encouraging and promoting agriculture, horticulture and the domestic arts by the citizens of this State," be and the same is hereby repealed.

Approved March 7, A. D. 1901.

OF THE REVENUES OF THE STATE.

CHAPTER 49.

OF THE REVENUES OF THE STATE.

AN ACT TO REPEAL CHAPTER 175 OF VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT REGULATING THE EXPENDITURE BY THE AGRICULTURAL SOCIETY OF THE STATE OF DELAWARE OF MONEYS APPROPRIATED TO SAID SOCIETY BY AN ACT OF THE PRESENT SESSION OS THE GENERAL ASSEMBLY ENTITLED "AN ACT APPROPRIATING FIFTEEN HUNDRED DOLLARS ANNUALLY TO THE AGRICULTURAL SOCIETY OF THE STATE OF DELAWARE," TO BE USED IN ENCOURAGING AND PROMOTING AGRICULTURE, HORTICULTURE AND DOMESTIC ARTS BY THE CITIZENS OF THIS STATE."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 175, of Volume 21, Laws of Delaware, entitled "An Act regulating the expenditure by the Agricultural Society of the State of Delaware of moneys appropriated to said Society by an Act of the present session of the General Assembly, entitled 'An Act appropriating fifteen hundred dollars annually to the Agricultural Society of the State of Delaware,' to be used in encouraging and promoting agriculture, horticulture and domestic arts by the citizens of this State," be and the same is hereby repealed.

Chapter 175,
Volume 21,
Laws of Delaware, repealed

Approved March 7, A. D. 1901.

OF THE LEVY COURT.

CHAPTER 50.

OF THE LEVY COURT.

AN ACT IN RELATION TO THE LEVY COURT OF NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Divided into
seven districts.

Boundaries.

Section 1. That the County of New Castle, for the purposes of this Act, shall be and the same is hereby divided into seven districts, as follows, to wit: One shall comprise and be composed of the Second, Fourth, Sixth, Eighth and Ninth wards of the City of Wilmington, being Representative Districts Number One and Number Two in New Castle County, as the same now are bounded and described or may be hereafter extended or enlarged in any way, and the said district shall be known as the First Levy Court District; another shall comprise and be composed of the First, Third, Fifth, Seventh, Tenth, Eleventh and Twelfth wards of the City of Wilmington, being Representative Districts Number Three, Number Four and Number Five in New Castle County, as the same are now bounded and described or may be hereafter extended or enlarged in any way, and the said district shall be known as the Second Levy Court District; another shall comprise and be composed of Brandywine Hundred, together with all that portion of Christiana Hundred lying north of and bounded by the central line of the Lancaster Turnpike, being Senatorial District Number Three in New Castle County, and the said district shall be known as the Third Levy Court District; another shall comprise and be composed of Mill Creek Hundred, together with all that portion of Christiana Hundred lying south of and bounded by the central line of the Lancaster Turnpike, being Senatorial District Number Four in New Castle County, and the said district shall be known as the Fourth Levy Court District; another shall comprise and be composed of White Clay Creek Hundred, Red Lion Hundred and New Castle Hundred, being Senatorial District Number Five in New Castle County, and the said district shall be known as the

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Fifth Levy Court District; another shall comprise and be composed of Pencader Hundred and St. George's Hundred, being Senatorial District Number Six in New Castle County, and the said district shall be known as the Sixth Levy Court District; and the remaining districts shall comprise and be composed of Appoquinimink Hundred and Blackbird Hundred, being Senatorial District Number Seven in New Castle County, and the said district shall be known as the Seventh Levy Court District.

Section 2. That at the general election to be held in the year A. D. one thousand nine hundred and four, and at the general election to be held in every fourth year thereafter, there shall be elected from among the resident electors of each of said districts, by the qualified voters thereof, one person to be a Levy Court Commissioner of New Castle County, to hold office, as such Commissioner, for the term of four years, commencing on the first Tuesday in the month of January next following each election. To take effect in 1904.

Section 3. That the said Levy Court Commissioners so to be elected, shall thereafter constitute the Levy Court of New Castle County, and shall meet for organization on the first Tuesday in January after their election, and after taking the oath prescribed by the Constitution shall proceed to elect one of their number to be the presiding officer. Four of the Levy Court Commissioners shall be sufficient for the purpose of organization and shall constitute a quorum for the transaction of business. The said Levy Court Commissioners shall have the power to make rules for their government not inconsistent with the Constitution and Laws of the State, and after their said first meeting they shall meet at the times now prescribed by law for the meetings of the Levy Court of said county. To meet for organization first Tuesday in January after election.

Section 4. In case of the death, resignation, ineligibility or removal from the Levy Court District of any Commissioner elected under the provisions of this Act, at any time, it shall be the duty of the Governor to appoint some suitable person having the qualifications hereinbefore required in that behalf, to fill the vacancy so created pursuant to the provisions of the Constitution in that behalf. Governor to appoint in case of vacancy.

The Levy Court Commissioners to be elected under this Act shall have as full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of New Powers of.

OF THE LEVY COURT.

Castle County, as at present constituted and in the several members thereof, and shall exercise every power, privilege, right and duty which now belongs to the said Levy Court of New Castle County, as fully and completely as the said Levy Court now by law is authorized to do.

In case of tie
vote Governor
to appoint.

Section 5. Should any two or more persons voted for as Levy Court Commissioners in any district receive an equal and the highest number of votes cast at any election, the Superior Court of the State of Delaware, in and for New Castle County, sitting as the Board of Canvass in said county, shall certify that fact to the Governor, who shall forthwith select one of said persons to be the Levy Court Commissioner from said district.

Salary of.

The Levy Court Commissioners to be elected under the provisions of this Act shall receive, as full compensation for their services, the sum of eight hundred dollars annually, in quarterly instalments of two hundred dollars each, by warrants duly drawn upon the County Treasurer.

Levy Court to
consist of seven
members.

Governor to
appoint two
additional
members
thereof.

Section 6. That from and after the time this Act becomes a law until the thirty-first day of December, A. D. 1904, the Levy Court of New Castle County shall consist and be composed of seven Levy Court Commissioners, to wit: the five Levy Court Commissioners elected in said county at the general election in November, A. D. 1900, and two Levy Court Commissioners to be appointed by the Governor; and the said five Levy Court Commissioners so elected as aforesaid and the said two Levy Court Commissioners so to be appointed as aforesaid, shall constitute the Levy Court of New Castle County until the time aforesaid; and the Governor is hereby authorized and empowered to appoint two suitable persons from among the electors of said county to be Levy Court Commissioners of New Castle County as aforesaid for the term aforesaid.

Powers and
duties of Levy
Court thus con-
stituted.

The said Levy Court Commissioners so elected and so appointed shall have, possess, enjoy and exercise all the rights, powers, privileges and duties of Levy Court Commissioners of New Castle County, now vested by law in Levy Court Commissioners of New Castle County, and shall each receive the compensation now fixed by law; and the said Levy Court so constituted shall have, possess and enjoy as full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of New Castle County, as at present con-

OF THE LEVY COURT.

stituted, and shall possess, enjoy and exercise fully and completely all and every the powers, privileges, rights and duties that the Levy Court of New Castle County now by law possess, enjoy and exercises.

Section 7. That all Acts or parts of Acts inconsistent herewith, or repugnant hereto, or supplied or manifestly superseded hereby, be and the same are hereby repealed and made null and void.

Approved March 7, A. D. 1901.

CHAPTER 51.

OF THE LEVY COURT.

AN ACT TO AUTHORIZE THE LEVY COURT COMMISSIONERS OF NEW CASTLE COUNTY TO BORROW MONEY AND ISSUE BONDS FOR THE SAME.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of three-fourths of all the members elected to each House) :

Section 1. For the purpose of completing Seventh Street Bridge across Brandywine Creek, in the City of Wilmington, the Levy Court is hereby authorized, empowered and directed to borrow, upon the credit of the said county, such sum or sums of money as may be necessary and as may be directed by the Levy Court Commissioners of New Castle County, not exceeding in the aggregate \$20,000, and for such purpose shall issue certificates of indebtedness of such denomination and in such form as by the Levy Court may be deemed most expedient. Such certificates shall bear date July first, 1901, and shall bear interest at a rate not exceeding four per centum per annum, payable semi-

Levy Court
may borrow
money.

OF THE LEVY COURT.

annually on the first day of January and July in each year. The payment of the said loan shall be so arranged that the sum of \$10,000 of the principal sum so borrowed shall become due and payable in the year 1914, and the like sum shall become due and payable the next year thereafter.

Approved March 9, A. D. 1901.

CHAPTER 52.

OF THE LEVY COURT.

Amend Senate Bill No. 52, entitled "An Act to amend Chapter 22, Volume 21, Laws of Delaware, entitled 'An Act reorganizing the Levy Court of Kent County and defining its powers and duties.'"

Amendment to the bill. By striking out the word "five" in line fifteen of Section 1 and inserting in lieu thereof the word "six."

Amend said Senate Bill No. 52 further as follows, viz.:

Amendment to the bill. By striking out all of Section 2 of said bill after the word "words" in line five thereof and inserting in lieu thereof the following, viz.: "Elected to" in line two of Section 12, and by inserting the word "of" in lieu of said words "Elected to" so stricken out.

Amendment to the bill. Amend said Senate Bill No. 52 further by adding at the end thereof the following, viz.:

Clerk of the Peace to be ex-officio member. "Section 3. That from and after the approval of this Act the person now holding the office of Clerk of the Peace of Kent County, or who shall hereafter hold said office, shall ex-officio be a member of the Levy Court of Kent County and one of the Commissioners thereof, and shall have the right and power to exercise and enjoy all the duties, powers and privileges which

OF THE LEVY COURT.

under the laws of this State any duly qualified member of the Levy Court of Kent County may or can exercise or enjoy; provided, that he shall receive no compensation as a member or Commissioner of said Levy Court or be eligible for the Presidency thereof."

AN ACT TO AMEND CHAPTER 22, VOLUME 21, OF THE LAWS OF DELAWARE, ENTITLED "AN ACT REORGANIZING THE LEVY COURT OF KENT COUNTY, AND DEFINING ITS POWERS AND DUTIES."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 5, of Chapter 22, as printed and published in Volume 21, Laws of Delaware, entitled "An Act reorganizing the Levy Court of Kent County, and defining its powers and duties," be and the same is hereby amended by striking out of lines nine and ten of said Section the following words, viz.: "all the members of said Levy Court being present and voting." That said Section 5 of said Chapter 22, as printed and published in Volume 21, Laws of Delaware, entitled "An Act reorganizing the Levy Court of Kent County, and defining its powers and duties," be further amended by striking out the words "six of said" in line thirteen of said Section 5, and by inserting in lieu thereof the words "That at any time five of the."

Amendment to
Section 5,
Chapter 22,
Volume 21.

Section 2. That Section 12 of said Chapter 22, as printed and published in Volume 21, Laws of Delaware, entitled "An Act reorganizing the Levy Court of Kent County, and defining its powers and duties," be amended by striking out the words "a majority of all the " in line one of said Section 12 and by inserting in lieu thereof the word "five."

Amendment to
Section 12,
Chapter 22,
Volume 21.

Approved March 2, A. D. 1901.

OF THE LEVY COURT.

CHAPTER 53.

OF THE LEVY COURT.

AN ACT TO AMEND CHAPTER 22, VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT RE-ORGANIZING THE LEVY COURT OF KENT COUNTY AND DEFINING ITS POWERS AND DUTIES," BY INCREASING THE SALARY OF ITS MEMBERS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Amendment to
Section 5,
Chapter 22,
Volume 21.

Section 1. That Section 5 of Chapter 22, Volume 21, Laws of Delaware, as printed and published on page 35, in line twenty-six, be amended by striking out the word "two" and inserting in lieu thereof the word "three."

Further amend said section on said page and in said line by striking out the word "fifty" and inserting in lieu thereof the words "seventy-five."

Approved March 28, A. D. 1901.

OF THE LEVY COURT.

CHAPTER 54.

AN ACT REORGANIZING THE LEVY COURT OF SUSSEX COUNTY AND
DEFINING ITS POWERS AND DUTIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the first Tuesday in February, A. D. 1903, the Levy Court of Sussex County, as now organized and constituted, be and the same shall be abolished, and the terms, duties and powers of the office of the Levy Court Commissioners now composing the Levy Court of Sussex County are hereby declared to be terminated and ended on the said first Tuesday in February, A. D. 1903.

Levy Court as now constituted to be abolished in 1903.

Section 2. That from and after the said first Tuesday in February, A. D. 1903, the Levy Court of Sussex County shall be composed of ten members, one of whom shall be chosen from each of the ten Representative Districts into which Sussex County is divided by the Constitution of the State, in the manner hereinafter provided.

To be composed of ten members.

One from each Representative District.

Section 3. That at the general election to be held in the year A. D. 1902, there shall be elected from among the resident freeholders from each of the odd numbered Representative Districts, by the qualified electors thereof, a Levy Court Commissioner for Sussex County for said districts for the term of two years, and from among the resident freeholders from each even numbered Representative Districts, by the qualified electors thereof, a Levy Court Commissioner for Sussex County for said districts for the term of four years.

How elected.

Section 4. That at the general election to be held in the year A. D. 1904, and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders from each of the odd numbered Representative Districts, by the qualified electors thereof, one person to be Levy Court Commissioner of Sussex County. The persons elected at the said general election in the year A. D. 1904 shall hold their re-

OF THE LEVY COURT.

spective offices until the first Tuesday in February, A. D. 1909, and until their successors are duly elected and qualified. And at the general election to be held in the year A. D. 1906, and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders in each of the even numbered Representative Districts, by the qualified electors thereof, one person to be Levy Court Commissioner of Sussex County. The persons elected at the said general election in the year A. D. 1906 shall hold their respective offices until the first Tuesday in February, A. D. 1911, and until their successors are duly elected and qualified.

To meet for
organization.

Section 5. The persons elected Levy Court Commissioners under the provisions of this Act shall meet for organization on the first Tuesday in February following their election, and shall take the oath of office, now provided by law for Levy Court Commissioners, and shall organize by electing one of their number presiding officer, and in case of two of said Levy Court Commissioners shall receive an equal and highest number of votes for said presiding officer, and in case there shall be a tie vote on any other question whatever (all the members of said Levy Court being present and voting), the Clerk of the Peace of Sussex County, or such other person as may hereafter be Clerk of the Peace of the said Levy Court, shall have the deciding vote. Six of the said Levy Court Commissioners shall be sufficient for organization and shall constitute a quorum for the transaction of business. The said Levy Court Commissioners shall have power

Clerk of the
Peace to have
deciding vote
in case of tie.

To make rules.

to make rules for their government not inconsistent with the Constitution and the laws of the State of Delaware; and after their first meeting they shall meet at the County Building in the

Meetings of.

Town of Georgetown, on the first Tuesday in each and every month, in each and every year, excepting the months of June, July, August and September. In case of death, resignation or removal from the district of any Commissioner elected or appointed under the provisions of this Act, it shall be the duty of

Governor to
appoint in case
of vacancy.

the Governor to appoint some suitable person to fill such unexpired term having the qualifications hereinbefore required in that behalf. The Levy Court Commissioners appointed and to be elected under the provision of this Act, shall have full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of Sussex County as at present constituted, and in the several members thereof, and shall exercise every power, privilege, right and duty which now belongs

Jurisdiction.

OF THE LEVY COURT.

to the Levy Court of Sussex County, as fully and completely as the Levy Court now by law is authorized to do, except as the same is or may be modified by the provisions of this Act. Should any two or more persons voted for as Levy Court Commissioners of any district receive equal and highest number of votes cast at any election, the Board of Canvass shall certify to the fact to the Governor, who shall forthwith select one of said persons to be Levy Court Commissioner from said district, who shall hold the said office for two years from the first Tuesday in February, thence next ensuing, and at the general election then next to be held in said county, a successor shall be elected in said district for the unexpired term of two years. The Levy Court Commissioners appointed and to be elected under the provisions of this Act shall be paid for their services the yearly sum of two hundred dollars (\$200.00), in quarterly instalments of fifty dollars each, in lieu of all other compensation, by warrants duly drawn on the County Treasurer. That it shall be the duty of the present Levy Court of Sussex County and every Commissioner thereof, and every person having control or possession of any records, books, papers or other property belonging to the said Levy Court of Sussex County, on the first Tuesday in February, A. D. 1903, to surrender and deposit the same with the Clerk of the Peace of the said county, who shall keep the same subject to the control of the Levy Court Commissioners elected or appointed under the provisions of this Act. And in case the said Levy Court, or any Commissioner thereof as aforesaid, shall neglect or refuse on demand of said Levy Court Commissioners appointed or elected as aforesaid to surrender or deliver up such records, books, papers or other property to the said Clerk of the Peace in and for Sussex County, such and every person so neglecting or refusing as aforesaid shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of five hundred dollars, and be imprisoned for the term of one year, or until the said records, books, papers or other property shall be delivered into the custody of the said Levy Court or Levy Court Commissioner.

Board of Canvass to certify vote to Governor in case of tie.

Governor to appoint until next election.

Successor elected for unexpired term.

Salary.

To surrender records, books, &c., to Clerk of the Peace.

Penalty for refusing.

Section 6. That the said Levy Court Commissioners, at their first meeting in March, A. D. 1903, and in each and every year thereafter, after having settled with the collectors of the said several districts as hereinafter provided, shall appoint for each of the ten Representative Districts one qualified voter resident therein, to be Collector of Taxes of said district for the year in which he

To appoint a Collector of Taxes for each district.

OF THE LEVY COURT.

shall be appointed, who shall have all the power and authority, and be subject to all the requirements, qualifications and duties heretofore imposed upon Collectors of Taxes in and for the county aforesaid.

Duty of Collectors

It shall be the duty of said several collectors in said county to make a full and complete settlement with the Levy Court in March in each and every year, at which time the said Levy Court shall allow each of said collectors such errors, delinquents and uncollectible taxes as it shall deem meet and proper. After such errors, delinquents and uncollectible taxes and the per centum hereinbefore provided for shall be allowed and deducted from the aggregate amount of the duplicate delivered to each of said collectors, if then any or all of said collectors are in arrears to said county, such collector or collectors as are in arrears shall be ineligible for reappointment unless such arrearages shall be immediately paid over to the County Treasurer of said county.

Collectors in arrears ineligible for reappointment.

Offices of Trustees of the Poor terminated A. D. 1903.

Section 7. That from and after the first Tuesday in February, A. D. 1903, the terms of office of the several Trustees of the Poor heretofore appointed by the said Levy Court of Sussex County shall then be terminated and ended and the Levy Court Commissioners appointed and to be elected by and under the provisions of this Act, be and they are hereby authorized and directed, and it shall be their duty to appoint for each of said Representative Districts a qualified voter of and resident in the district, and the persons so appointed shall compose the Trustees of the Poor for Sussex County. The said Levy Court shall, at its first meeting in February, A. D. 1903, appoint from the odd numbered districts five Trustees of the Poor, who shall serve until the February meeting of the Levy Court in the year A. D. 1905, when their successors shall be appointed by the said Levy Court for the term of two years, and likewise every two years thereafter; and five other Trustees shall be appointed by said Levy Court at its first meeting in February, A. D. 1903, from the even numbered districts, who shall serve until the February meeting of the Levy Court in the year A. D. 1904, when their successors shall be appointed by the said Levy Court for the term of two years, and likewise every two years thereafter. In case of a vacancy or vacancies happening by death or otherwise, the Levy Court shall at any meeting thereof fill the same for the unexpired term. In addition to the powers and duties now possessed and imposed on the Trustees of the Poor of Sussex County afore-

Levy Court to appoint ten Trustees.

How and when appointed.

Vacancies to be filled by Levy Court at any meeting of

OF THE LEVY COURT.

said it shall be their duty to certify to the Levy Court, on or before the first Tuesday in March, A. D. 1904, and in each and every year thereafter, an estimated amount of the appropriation which it will require for the maintenance of the Alms House for the year succeeding, beyond the produce and income derived from the Alms House farm; and the said Levy Court shall levy a proper rate for that purpose, to be levied with the other county rates, and to be collected by the county collectors of said county as provided by this Act.

In addition to other duties to certify to Levy Court amount necessary for maintenance of Almshouse.

Levy Court to levy tax therefor.

Section 8. That for all work and labor required to be done upon the public roads of said county, or for the construction, repair and maintenance of bridges which are maintained at public expense, and for all materials, tools, implements and machinery to be furnished, had, used, for or on account of said county, where the cost in any particular case, section or district which may be established by said Levy Court, which will probably exceed two hundred dollars, the Levy Court shall publicly advertise for proposals for the doing of said work and for the furnishing of said materials, tools, implements and machinery, and shall give the contract to the lowest, competent and responsible bidder or bidders, and the Levy Court shall require of each bidder or bidders a bond to the State of Delaware in double the amount of such bid, with surety or sureties to be approved by the said Levy Court for the faithful performance of such contract.

For public work in excess of \$200 shall advertise for bids therefor.

Bidder or bidders to give bond.

Section 9. That it shall be the duty of the said Levy Court of Sussex County at its first meeting in March, A. D. 1903, and in each and every year thereafter, to appoint for each of said ten Representative Districts one or more qualified voters resident therein to be Overseer, or Overseers of Roads, whose duties, powers, qualifications and requirements shall be the same as now required and imposed by law upon Road Overseers, except as herein provided; provided, that the said Levy Court shall not assign to any of said Road Overseers a road lying partly in two or more districts. And further Provided, that where a road is the dividing line between two districts an Overseer therefor may be appointed from either district. And it shall be the duty of each of said Levy Court Commissioners on such days in February, A. D. 1903, as he shall designate, and in each and every year thereafter, to settle with the said Road Overseers in his district at some central and convenient place to be by him designated, notice of which time and place of meeting shall be given

To appoint road overseers in each representative district.

Each Levy Court Commissioner to settle with Overseers of his district.

notice of meeting.

OF THE LEVY COURT.

Levy Court Commissioners to make itemized report to Levy Court.

No per diem for said meeting.

to each of said several Road Overseers by each of said Levy Court Commissioners, either in person or by letter at least ten days before the time of meeting, and the said Levy Court Commissioners, and shall make a report in writing to said Levy Court at its next session, which report shall show an itemized statement of all expenditures made by each of said Road Overseers, accompanied by the stubs of orders drawn on the County Treasurer for all such items. Provided, that no per diem or mileage shall be allowed to any Road Overseer or Levy Court Commissioner for or on account of attending said meeting or making said report.

Levy Court to appoint Constable in each representative district.

Powers of.

Section 10. That the said Levy Court shall, on the first Tuesday in March, A. D. 1903, and in each and every year thereafter, appoint for each of the said several ten Representative Districts at least one, and as many more as the law provides, qualified voters resident therein, to be Constable or Constables for the said districts for the year in which they shall be appointed and who shall have all the power and authority and shall be subject to all the requirements, qualifications and duties heretofore imposed or obligated by law upon Constables in and for Sussex County aforesaid.

Majority to elect all officers

Clerk of the Peace to decide tie vote.

Levy Court Commissioner of each district to have right to nominate all officers therein except those subject to bond.

Section 11. That the votes of a majority of all the members elected to said Levy Court shall be necessary to elect or appoint all officers that the said Levy Court is now, or may be hereafter authorized by law to elect or appoint; provided, that in case of a tie between the two candidates receiving the highest number of votes the Clerk of the Peace of Sussex County, or such other person as may hereafter be the Clerk of said Levy Court, shall have the deciding vote, as hereinbefore provided for. And further provided, that each Levy Court Commissioner shall nominate, and the Levy Court shall elect, all officers for their respective districts which said Levy Court is now or may be hereafter authorized by law to elect or reappoint, which officers are not by law required to enter bond.

Grand and petit jurors to be divided equally between districts

Section 12. The said Levy Court in selecting Grand and Petit Jurors shall apportion the number required by law among the several Representative Districts equally as may be.

All consistent existing laws to be applicable.

Section 13. That all existing laws in relation to the Levy Court of Sussex County shall be applicable to the Levy Court of

OF THE LEVY COURT.

Sussex County as composed and constituted under the provisions of this Act, so far as they are consistent herewith.

Section 14. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 9, A. D. 1901.

CHAPTER 55.

OF THE LEVY COURT.

AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO FUND THE INDEBTEDNESS OF SAID COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Levy Court of Sussex County be and is hereby authorized and empowered to borrow, on the credit of said county, a sum not exceeding fifty thousand dollars (\$50,000.00), and for that purpose to issue bonds of such denominations and bearing such rates of interest, not exceeding four per centum per annum, as said Levy Court may deem expedient, and to be so arranged as to time of payment that the sum of three thousand dollars of the principal sum so borrowed shall become due and payable in each and every year until the whole is paid. Levy Court of Sussex county authorized to borrow money to fund indebtedness. May issue bonds. \$3,000 to be due and payable every year. Provided, that no part of said principal sum shall become due and payable until the expiration of five years from the date of issue of the said bonds. None payable until expiration of five yrs.

The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof, and they shall be in the following form, to wit: Interest payable semi-annually.

OF THE LEVY COURT.

THE STATE OF DELAWARE,
Sussex County.

Form of bond. Series.....

No.....

These presents certify and make known, that Sussex County, in the State of Delaware, is held and firmly bound unto the bearer in the sum of.....dollars, lawful money of the United States of America, which the said county binds itself to pay to the bearer at the Farmers' Bank, at Georgetown, on the day of, A. D., with interest at the rate of per centum per annum, payable at the said Farmers' Bank, in Georgetown, on the day of and in each and every year while said principal sum remains unpaid, upon presentation of the coupon hereunto annexed, representing such semi-annual instalment of interest.

Dated at Georgetown the day of, A. D. 19.....

Witness the seal of the Levy Court of Sussex County and the hands of the County Treasurer, President of the Levy Court, and the Clerk of the Peace of the said county, the day and year aforesaid.

.....
County Treasurer of Sussex County
.....
(Seal.) President of Levy Court of Sussex County.
.....
Clerk of the Peace of Sussex County.

And the coupons shall be in the following form, to wit:

Form of coupons.

Sussex County will pay to the bearer, at the Farmers' Bank, at Georgetown, on the day of, A. D..... the sum of dollars on Bond No., Series dated, 19..... No.....

.....
County Treasurer of Sussex County.

Bonds, how signed.

The said bonds shall each be signed by the said County Treasurer, President of the Levy Court and Clerk of the Peace, on behalf of the said county, and shall have the seal of the said Levy Court affixed thereto. The said coupons shall be signed

OF THE LEVY COURT.

by the said County Treasurer. The said Clerk of the Peace shall, in a book to be provided by him for that purpose, make an accurate record, showing each series of said bonds, with their numbers and denominations respectively. Whenever any of said bonds shall have been paid by the said County Treasurer, or any of said coupons shall have matured and been surrendered to him, he shall immediately file the same in the office of the said Clerk of the Peace, who shall note the same upon the record of the bonds and coupons so paid and matured and shall give to the said County Treasurer a receipt therefor, stating the series, number, date and denomination of such bonds and coupons, which receipt shall constitute a good and sufficient voucher for said County Treasurer for the sums therein named.

To make
record of.

Bonds when
paid shall be
filed in office of
Clerk of the
Peace.

To give receipt
therefor

Section 2. That the money realized upon the said bonds, as provided in Section 1 of this Act, shall be delivered to the said County Treasurer, to be by him applied to the indebtedness of said county, and the failure of the said County Treasurer to discharge his duty under the provisions of this Act shall be a breach of his official bond, and he and his sureties shall be responsible thereon to said county.

Money received from sale of
bonds to be
paid to County
Treasurer.

To be applied,
how.

Section 3. That the said Levy Court, in fixing the rate of taxation, shall annually, until the first instalment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when the said bonds shall become due and payable shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the said County Treasurer, be set apart by him in a separate account to be opened for that purpose and designated as the "Funded Debt Account for the year," and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and the interest thereon as may from time to time become due under the provisions of Section 1 of this Act.

Rate of taxation to be increased to meet
interest on
bonds.

to provide in
like manner
for bonds
when due.

Section 4. This Act shall be deemed and taken to be a public Act.

Approved March 9, A. D. 1901.

OF THE LEVY COURT.

CHAPTER 56.

OF THE LEVY COURT.

AN ACT IN RELATION TO THE COLLECTION OF TAXES FOR SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Collector of
Taxes to give
notice of time
and place for
receipt of taxes

Failure of Col-
lector to
attend.

Section 1. Every Collector of Taxes for hundreds and districts within the County of Sussex shall, on the first Monday in each and every month, after he shall have received the duplicate of taxes and until January following, give notice by five or more advertisements posted in at least five of the most public places in the collection district of which he is Collector, that he will attend at convenient times and places during said month, stating the same, to receive taxes; in case any Collector of Taxes shall fail to attend at the times and places of which he has given notice, he shall, unless such failure to attend shall be shown to be unavoidable and not owing to his negligence, forfeit and pay to any person who may have called at such time for the purpose of paying his taxes, and did not find said Collector of Taxes in attendance to receive the same, the sum of ten dollars, to be recovered before any Justice of the Peace in Sussex County.

Every Collector of Taxes shall, at least one day in every week, between the hours of ten o'clock A. M. and twelve o'clock M., and from one o'clock P. M. to five o'clock P. M., attend at such places herein designated for the purpose of receiving taxes; and it shall be the duty of each and every such Collector of Taxes to attend for like purposes, at said place, at least one evening of one secular day in each month, between the hours of seven o'clock and ten o'clock P. M., said evening to be fixed by him in like manner as the daily attendance herein designated.

Abatement of
tax.

Section 2. That on all taxes paid before the first day of October there shall be an abatement of five per centum; on all taxes paid after the first day of October and before the first day-

OF THE LEVY COURT.

of December there shall be an abatement of three per centum; on all taxes paid after the first day of December and before the first day of January, there shall be no abatement; and on all taxes paid thereafter there shall be added one per centum per month until the same shall be paid.

Section 3. The compensation, or fees, of the said Collector ^{Compensation.} of Taxes as aforesaid shall not be more than three per centum on all taxes paid before the first day of October; five per centum on all taxes paid after the first day of October and before the first day of December, and eight per centum on all taxes paid after the first day of December.

Section 4. The Levy Court Commissioners shall, on or before the first day of May in every year, cause to be issued to the Collector of Taxes of each hundred or district a duplicate of the assessment list of the hundred or collection district of which he is collector. The said duplicate shall be certified by the Clerk of the Peace with a warrant thereto annexed. ^{Duplicate assessment list to be issued to.}

Section 5. That this Act shall repeal all laws or parts of laws in so far as inconsistent herewith and be deemed and taken to be a public Act.

Approved March 8, A. D. 1901.

OF THE LEVY COURT.

CHAPTER 57.

OF THE LEVY COURT.

AN ACT AUTHORIZING AND DIRECTING THE COURT OF CHANCERY IN AND FOR SUSSEX COUNTY TO ORDER AND DIRECT THE SALE OF ALL THE PUBLIC LANDS BELONGING TO SUSSEX COUNTY WITHIN THE TOWN OF GEORGETOWN NOT USED AND OCCUPIED FOR COUNTY OR MUNICIPAL PURPOSES, AND DEFINING THE USES AND PURPOSES TO WHICH THE FUNDS THUS ARISING SHALL BE APPLIED.

Whereas, Certain lands pursuant to the provisions of an Act of Assembly, passed at Dover, January 29, A. D. 1791, were purchased and title thereto taken in the name of George Mitchell, Robert Houston, William Moore, John Collins, Nathaniel Young, William Perry, Rhodes Shankland, Woodman Stockley, Daniel Polk and Thomas Batson, as trustees, for the uses and purposes therein set forth (Vol. 2, Laws of Delaware, page 1002); and

Whereas, The heirs at law of the survivor of said trustees being unknown, the Legislature of the State of Delaware passed an Act of Assembly on March 8, A. D. 1887 (Vol. 18, Laws of Delaware, page 425), directing the Court of Chancery, upon proper proceedings, to appoint trustees to hold the title thereto for the purposes and upon the trusts and uses of the original trust; and

Whereas, The Court of Chancery, pursuant to the provisions of the said Act of Assembly, ordered Charles W. Whiley, Jr., Register in Chancery in and for the said county, to execute and deliver a deed to the trustees appointed by said Court, to wit: John J. Morris, James W. Anderson, George W. Jones, Ebe W. Tunnell and William W. Rawlins, conveying to them the legal title to said property upon the original trust and uses (Chancery Partition Docket, "G" folio 291); and

Whereas, The said Charles W. Whiley, Jr., Register in Chancery aforesaid, did execute and deliver a deed for said lands and premises, pursuant to the order of the said Court of Chan-

OF THE LEVY COURT

cery, unto the aforementioned trustees, who, under their hands and seals, accepted said trust, the said deed and acceptance of said trust being recorded in the office of the Recorder of Deeds in and for said county in Deed Record "B B J" No. 109, folio 300, etc.; and

Whereas, The said George W. Jones, one of the said trustees, has since died; and

Whereas, The Levy Court of Sussex County did on March 12, A. D. 1852, pursuant to an Act of Assembly, passed at Dover, February 26, A. D. 1852 (Vol. 10, Laws of Delaware, page 691), lease unto "Union Lodge, No. 3, Independent Order of Odd Fellows, of the State of Delaware, at Georgetown," a certain portion of the said lands and premises for the term of ninety-nine (99) years; and

Whereas, The Levy Court aforesaid did likewise, at sundry times, lease for the term of ninety-nine (99) years sundry other portions of said lands and premises unto sundry other persons, the present holders or assignees of said leasehold interests are as follows, to wit: The Sussex Republican Co., John H. Truitt, The Sussex Journal, The Delaware Democrat Publishing Co. and the heirs at law of Joseph B. Chipman, deceased; and

Whereas, Certain other portions of said lands and premises is unused and occupied by any particular person; and

Whereas, A part of said lands and premises is now used and occupied for the jail for the county aforesaid;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Court of Chancery in and for Sussex County, in term time, or at chambers, is hereby authorized and directed, upon the application of the President of the Levy Court of Sussex County, whether directed so to do by the said Levy Court or not, to order and direct John J. Morris, James W. Anderson, Ebe W. Tunnell and William W. Rawlins, the surviving trustees holding the legal title to the lands and premises hereinafter mentioned, to sell all said lands and premises upon such conditions as the said Court of Chancery may deem proper and

Court of Chancery to order sale of public lands and premises.

OF THE LEVY COURT.

Trustees to
execute deed.

expedient, which said trustees are hereby directed and empowered to make, execute and deliver to the purchaser or purchasers thereof good and sufficient deed or deeds of conveyances, which said deed or deeds, when so executed and delivered by said trustees, shall convey to the purchaser or purchasers thereof a fee simple estate therein free from the uses and trusts aforesaid, or all the rights, title, interest or estate of Sussex County aforesaid in said lands;

Failure of
Trustees to
comply, Court
of Chancery
may appoint
Trustee to sell.

Provided, That upon failure or refusal of the said trustees to comply with the orders of the said Court of Chancery within three months after such order shall have been made, the said Court of Chancery shall appoint a trustee or trustees to whom all the lands hereinafter mentioned shall, by order of said Court of Chancery, be conveyed by the said surviving trustees; and the said Court of Chancery shall, upon like application, order and direct the new trustee or trustees to make sale of the said lands upon like conditions as hereinbefore provided.

Lands defined.

Section 2. That the lands hereinbefore referred to are all those certain lands contained in a certain deed executed and delivered by Charles W. Whiley, Jr., Register in Chancery in and for Sussex County, under and by virtue of an order of the Court of Chancery in and for Sussex County, to the trustees aforesaid, said deed being now of record in the office of the Recorder of Deeds in and for the county aforesaid, in Deed Record "B B J," No. 109, folio 300, etc., saving and excepting all that portion of said lands and premises which is embraced in the public park or square, and within the Court House yard as the same is now defined or as the same may be extended by order of the said Court of Chancery, and the Jail property as now defined by the outlines of the survey of said lands and premises made by George W. Jones, the plot whereof is recorded in the office of the Recorder of Deeds aforesaid in Deed Record "B B B," No. 101, folio 124.

To be divided
into lots for
sale.

Section 3. That the said portion not now used for County and Municipal purposes, as provided in Section 2 of this Act, which may not be platted in lots, shall be so divided into lots of convenient size. That all that portion of said lands which has been divided into lots and leased to sundry persons shall be sold in such allotments as now defined and designated by terms of the leases. That all such allotments shall be sold upon such con-

OF THE LEVY COURT.

ditions as the said Court of Chancery shall deem proper, having due regard to the rights of all persons or corporations now using and occupying any part or parts of said lands by lease from the Levy Court of said county.

Section 4. That the funds arising from the sale of said lands and premises shall be paid under the order of the said Court of Chancery unto the County Treasurer of said county, after the payment of the costs of sale, to be by him deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of Sussex County. The funds aforesaid shall be used exclusively for the improvement of the Court House or the building of a new jail for the county aforesaid.

Funds arising from sale paid to County Treasurer. County Treasurer to deposit same in Farmers' Bank.

Funds to be used exclusively. How.

Approved March 14, A. D. 1901.

CHAPTER 58.

OF THE LEVY COURT.

AN ACT TO AMEND CHAPTER 25, VOLUME 21 OF THE LAWS OF DELAWARE, AND TO ABOLISH THE AFFIDAVIT REQUIRED IN SAID CHAPTER.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 10 of Chapter 25, Volume 21, of the Laws of Delaware, be and the same is hereby amended by striking out all of said Section.

Section 10, Chapter 25, Volume 21, repealed.

Approved March 9, A. D. 1901.

OF COLLECTION AND APPROPRIATION OF TAXES.

CHAPTER 59.

OF COLLECTION AND APPROPRIATION OF TAXES.

AN ACT EXTENDING THE LIEN AND TIME FOR THE COLLECTION OF TAXES FOR THE YEAR 1899, IN THE CITY OF NEW CASTLE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein) :

Section 1. That the time for the collection of taxes imposed and assessed for the year A. D. 1899, under the provisions of the Act entitled "An Act to incorporate the City of New Castle," passed at Dover, February 25, 1875, and all amendments and supplements thereto, be and the same is hereby extended to the first day of July, A. D. 1902; and the lien of said taxes, as established by law, shall remain and continue in full force and effect until that date.

Time for collection of taxes extended.

Term of Collector extended.

City Council may appoint in case of neglect.

Bond of.

Not to affect liability of Collector.

Section 2. That the Collector appointed to collect said taxes for the year 1899 shall continue in office for the purpose of collecting the same (or such part thereof now remaining unpaid) until the said first day of July, A. D. 1902, and he is hereby authorized to collect the same, and in so doing he shall have all the powers and be subject to all the duties and liabilities of a Collector of the City, School and Road and Street taxes, as now fixed and prescribed by law. In case of his neglect or inability from any cause to collect said taxes, the City Council may appoint a suitable person in his place, with like powers, duties and liabilities. The said Collector or any one appointed in his place shall first give a bond to the Mayor and Council of New Castle, with surety to be approved by the City Council, and a warrant of Attorney attached to confess judgment, in double the amount of all the taxes so to be collected by him, to be conditioned for the faithful performance of his duties as such Collector.

Provided, That nothing herein contained shall be construed so as to interfere with or effect in any way the liability of said Collector or his sureties, upon the first or original bond given by

OF CERTAIN COUNTY OFFICERS OF NEW CASTLE COUNTY.

him as Collector of Taxes for the year 1899.

Section 3. This shall be a public Act.

Approved March 2, A. D. 1901.

CHAPTER 60.

OF CERTAIN COUNTY OFFICERS OF NEW CASTLE COUNTY.

AN ACT TO AMEND CHAPTER 193, VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR THE AUDITING OF THE BOOKS AND ACCOUNTS OF CERTAIN COUNTY OFFICERS OF NEW CASTLE COLNTY."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 1, Chapter 193, Volume 21, of the Laws of Delaware, entitled "An Act providing for the Auditing of the books and accounts of certain County Officers of New Castle County," be and the same is hereby amended by striking out the word "December" in the first line thereof and inserting in lieu thereof the words "June, A. D. 1901, and," and by adding after the word "respectively" and before the word "and" in the eighth line of said Section the words "for the year ending June 30, A. D. 1901, and each year thereafter;" by striking out in the second line of Section 2 the figures "1898" and inserting in lieu thereof the figures "1901," and by striking out in the third line of said Section 2 the words and figures "one hundred and fifty dollars (\$150.00)" and inserting in lieu thereof the words and figures "two hundred and fifty dollars (\$250.00.)"

Approved March 28, A. D. 1901.

TITLE THIRD.

Of the Public Arms and Defence

OF THE PUBLIC ARMS AND DEFENCE.

CHAPTER 61.

AN ACT TO AMEND CHAPTER 17, VOLUME 18, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND AN ACT ENTITLED, AN ACT TO INCORPORATE THE TRUSTEE OF THE MILFORD ARMORY, CHAPTER 582, VOLUME 17, OF THE LAWS OF DELAWARE, BY PROVIDING THAT THE BOARD OF THE TRUSTEES SHALL CONSIST OF FOUR MEMBERS OF THE COMPANY, AND THAT TWO MAY OR MAY NOT BE MEMBERS OF SAID COMPANY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring herein) :

Changing
qualification
of Trustees.

Section 1. That Section 3, of Chapter 17, Volume 18, Laws of Delaware, be and the same is hereby amended by adding after the word "members" and before the word "of" in line eleven of said Section 3 "four of whom shall be members of the said company and two of whom may or may not be members."

Approved February 25, A. D. 1901.

TITLE FOURTH.

Of Elections

CHAPTER 62.

GENERAL PROVISIONS.

AN ACT PROVIDING THAT THE OFFICIAL BALLOTS SHALL HEREAFTER BE MARKED BY THE VOTER WHEN INDICATING HIS CHOICE OF CANDIDATES WITH AN INDELIBLE BLACK LEAD PENCIL OR INDELIBLE BLACK CRAYON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That whenever, under any provision of the laws of this State, any voter or elector, at any election hereafter to be held in this State, is required to indicate on the official ballot the candidates for whom he desires to vote at such election, by marking his ballot in such manner as to indicate for whom he casts his vote, every such voter or elector, at any election aforesaid, shall indicate his choice of candidates aforesaid by marking his ballot with an indelible black lead pencil or indelible black crayon, and shall not use any other means or instrumentality for such purpose.

To mark the official ballot.

What to be used.

Section 2. That any and all mark or marks now required by the laws of this State, to be made on any official ballot, used at any election hereafter held in this State, shall be made by the use of the pencil or crayon mentioned in Section 1 of this Act.

Shall use black pencil or crayon.

Any elector desiring to vote at any such election shall make a mark crossing two lines with the pencil or crayon aforesaid, in the large square enclosing the device at the head or top of any

Mark made shall be two crossed lines in the square.

GENERAL PROVISIONS.

May scratch off name of any candidate, but only with black pencil aforesaid.
May or may not write in name of any other candidate.
Change to be made with pencil or crayon aforesaid.

ticket printed on the official ballot, in lieu of any mark now required to be made with a stamp; provided, however, that any voter may cross out, or scratch off, the name of any person appearing on the said ballot under the square so marked by him, and in lieu thereof may or may not write in said ballot immediately over the name so crossed out or scratched off, the name of any other person who is a candidate for the same office at said election, and the said changes shall be made with the pencil or crayon aforesaid.

Duty of those required to furnish means for marking ballot.

Section 3. That it shall be the duty of the several persons, who, at the time this Act becomes a law, are required by the laws of this State to provide and furnish any stamp for the use of the voters at any election, to provide and furnish, in lieu thereof, at least one dozen indelible black lead pencils or black crayons for and to each and every election district, in which any election as aforesaid is to be held, for the use of the voters in said election district at any such election. If any person shall mutilate, destroy, cancel or take away from any election district any such pencil or crayon, so provided and furnished as aforesaid, before or during the time any election mentioned in this Act is being held, he, she or they, shall be guilty of a misdemeanor and shall be fined not exceeding five hundred dollars or imprisoned not exceeding one year, or both, in the discretion of the Court.

Penalty for removing or mutilating pencils or crayons.

Fine therefor.

Duty of Election Clerk to furnish voter with pencil instead of stamp.

Section 4. That it shall be the duty of the several clerks of the election in the several election districts in this State who were heretofore required to deliver to the electors or voters, the stamp heretofore required, to deliver and hand to each voter thereat one of the said pencils for the purpose of marking his ballot, and it shall be the duty of every such voter at any election mentioned in this Act at the time of handing his ballot to the Inspector of Election or other person authorized by law to receive his ballot, to return to the said clerks of election the said pencil or crayon furnished him as aforesaid.

Voter to return pencil or crayon to clerk after voting

Violation of this Act to be a misdemeanor

Section 5. That if any person shall violate any of the provisions of this Act, not herein specially provided for, he, she or they shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars or imprisoned not exceeding one year, or both, in the discretion of the Court.

GENERAL PROVISIONS.

Section 6. That all provisions of law in conflict with the provisions of this Act are hereby repealed.

Approved March 2, A. D. 1901.

CHAPTER 63.

GENERAL PROVISIONS.

AN ACT CREATING THE OFFICE OF VOTERS' ASSISTANT AND PRESCRIBING THE DUTIES THEREOF.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That on or before the tenth day of October in each and every year in which a general election is held in this State, it shall be the duty of the Governor to select, appoint and commission an honest and capable man from each of the two principal political parties in each and every election district in this State, including the districts in the City of Wilmington, who shall be known as Voters' Assistants.

Governor to appoint voters' assistants on or before October 10th.

The County Committees of the two principal political parties, which at the general election next preceding cast the highest and next highest, number of votes respectively, in such County, shall each submit to the Governor the names of three men for such appointment and from said names the Governor shall select one to represent each party, but in no case no name or names is or are submitted by either or both, the Governor shall then make such appointment or appointments as he may see fit.

The county committees of the two parties having highest and next highest number of votes to submit list of names.

If none are submitted Governor to appoint.

Section 2. That the Voters' Assistants shall be stationed within the room where the election is being held, and shall, when requested by any voter, assist such voter to mark, alter, change,

Voters' Assistants to be in election room. Shall assist voter when requested.

GENERAL PROVISIONS.

scratch, or fold his ballot in the presence of the voter and of each other, and shall also, when requested by the voter, read over to him the names of the candidates on the ballot which he desires to vote.

Penalty for
false declaration.

Section 3. That if any Voters' Assistant make a false declaration to any voter he shall upon conviction be fined One hundred dollars, and any Voters' Assistant who shall decline any voter in any way shall be guilty of a misdemeanor, and on conviction, shall be fined not less than Two hundred dollars nor more than Five hundred dollars, and may in the discretion of the Court be imprisoned for a term not exceeding five years.

Section 4. That all Acts or part of Act inconsistent herewith be and the same are hereby repealed.

Approved March 8, A. D. 1901.

GENERAL PROVISIONS.

CHAPTER 64.

GENERAL PROVISIONS.

AN ACT IN RELATION TO REGISTRATION BOOKS WHICH IT IS THE DUTY OF THE GOVERNOR TO CAUSE TO BE PREPARED FOR THE USE OF THE REGISTRATION OFFICERS IN EACH ELECTION DISTRICT IN THIS STATE INCLUDING THOSE IN THE CITY OF WILMINGTON AND CERTAIN ENTRIES THEREON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That hereafter it shall not be necessary to enter the color of the person applying to be registered on the books known as Registers which it is the duty under the laws of this State of the Governor to cause to be prepared for the use of the Registration Officers in each Election District in this State, including those in the City of Wilmington for the Registration of voters, and that hereafter such Registers shall not contain columns for entries as to color.

Registration Books not to contain columns for entries as to color

Section 2. That after this Act becomes a law, it shall not be lawful to enter the age of any one applying to be registered on the books aforesaid in the column headed "age," but it shall be sufficient to enter that the applicant is "Twenty-one and upwards."

Specific age not to be stated

Section 3. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 14, A. D. 1901.

OF ROAD COMMISSIONERS.

CHAPTER 65.

OF ROAD COMMISSIONERS.

AN ACT IN RELATION TO THE ELECTION OF ROAD COMMISSIONERS IN
NEW CASTLE HUNDRED.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met:*

Whereas, The Road Commissioners of New Castle Hundred have no authority over the roads and streets within the corporate limits of the City of New Castle,

Therefore be it enacted by the authority aforesaid, as follows:

Qualified electors of New Castle not to vote for Road Commissioners.

Section 1. That from and after the passage of this Act no qualified elector who is a resident of the City of New Castle shall have the right to vote at any general or special election for any Road Commissioner, or Road Commissioners, to be elected in the said Hundred.

Official ballots for voters of City of New Castle not to contain names of Road Commissioners.

Section 2. At every election hereafter held at which a Road Commissioner is to be elected the official ballots shall be so prepared that those to be used by residents of the City of New Castle shall not contain the candidates to be voted for as Road Commissioners, while all ballots to be used in other portions of said New Castle Hundred at such elections shall contain the names of the candidates for said office.

Approved March 14, A. D. 1901.

OF THE ELECTION OF INSPECTORS.

CHAPTER 66.

OF THE ELECTION OF INSPECTORS.

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT AN INSPECTOR FOR THE FIRST ELECTION DISTRICT OF THE SEVENTH REPRESENTATIVE DISTRICT OF KENT COUNTY, FOR THE GENERAL ELECTION, A. D. 1902.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is hereby authorized to appoint an Inspector for the First Election District of the Seventh Representative District of Kent County at the General Election to be held in the year A. D. 1902.

Governor to
appoint In-
spector of Ele-
ction District
No. 1 of Repre-
sentative Dis-
trict No. 7 of
Kent County.

Approved March 9, A. D. 1901.

OF THE ELECTION OF INSPECTORS.

CHAPTER 67.

OF THE ELECTION OF INSPECTORS.

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT AN INSPECTOR FOR THE SECOND ELECTION DISTRICT OF THE SEVENTH REPRESENTATIVE DISTRICT OF KENT COUNTY FOR THE GENERAL ELECTION, A. D. 1902.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Governor to
appoint Inspec-
tor election
district No. 2
of Representa-
tive District
No. 7 of Kent
Co.

Section 1. That the Governor be and he is hereby authorized to appoint an Inspector for the Second Election District of the Seventh Representative District of Kent County at the General Election to be held in year A. D. 1902.

Approved March 9, A. D. 1901.

OF THE ELECTION OF INSPECTORS

CHAPTER 68.

OF THE ELECTION OF INSPECTORS.

AN ACT PROVIDING FOR INSPECTORS FOR ELECTION DISTRICT OF THE FIFTH REPRESENTATIVE DISTRICT IN SUSSEX COUNTY FOR THE GENERAL ELECTION, OF A. D. 1902.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Gardner Elliott shall be the Inspector* Elec-
tion in the First Election District of the Fifth Representative
District of Sussex County at the General Election to be held in
the year of A. D. 1902, and the Governor shall appoint some
suitable person residing in the Second Election District of the
said Fifth Representative District of Sussex County to be In-
spectors of said General Election in said Election District to be
held in the said year, A. D. 1902.

Gardner Eli-
liott to be In-
spectors of Elec-
tion District
No. 1. of Rep-
resentative No.
5 of Sussex Co.
Governor to
appoint Inspec-
tor of Second
election dis-
trict thereof.

Approved March 9, A. D. 1901.

* Printed as enrolled.

OF THE ELECTION OF INSPECTORS.

CHAPTER 69.

OF THE ELECTION OF INSPECTORS.

AN ACT PROVIDING FOR INSPECTORS TO HOLD ELECTIONS IN THE SECOND AND THIRD ELECTION DISTRICTS OF THE TENTH REPRESENTATIVE DISTRICT OF SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

John J. Fitzsimmons to be Inspector of Second election district of Tenth representative district, Sussex County. Governor to appoint Inspector of Third Election District thereof.

Section 1. That John J. Fitzsimmons shall be Inspector of Election in the Second Election District of the Tenth Representative District of Sussex County at the General Election to be held in the year A. D. 1902, and the Governor shall appoint a suitable elector of the Third Election District of the Tenth Representative District of Sussex County to be Inspector of said General Election to be held in the year A. D. 1902 in said Election District.

Approved March 7, A. D. 1901.

OF ELECTIONS IN WILMINGTON HUNDRED.

CHAPTER 70.

OF THE ELECTIONS IN WILMINGTON HUNDRED.

AN ACT IN RELATION TO THE DEPARTMENT OF ELECTIONS FOR THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Department of Elections for the City of Wilmington, as established and constituted by Chapter 39, Vol. 19, Laws of Delaware, and as constituted and created by Chapter 40, Volume 21, Laws of Delaware, be and the same is hereby enlarged to, and made to consist of five members, for all general or special elections to be hereafter held in said City.

Department of Elections to be increased to five members.

Section 2. That the Governor be and he is hereby authorized and empowered to appoint and commission two suitable persons, residents of the City of Wilmington, to be members of the said enlarged Department of Elections for the City of Wilmington.

Governor to appoint two suitable persons.

Section 3. That the term of office of one of the said two members shall be two years and the term of the other and remaining member shall be three years, and at the expiration of said two terms and thereafter every three years, the Governor shall appoint suitable persons to succeed the said members for the term of three years.

One for two years, one for three years.

Thereafter Governor to appoint every three years.

Section 4. That the members so appointed shall have, possess, enjoy and exercise all and every the rights, powers, and privileges which are now held, possessed, enjoyed and exercised by the present members of said Department and vested in them by law, and shall perform each and every duty which the present members of said Department are now required to perform by law; and they shall each receive the same compensation as now fixed by law for the other three members, which shall be paid by the State Treasurer, at the same time and in the same way as now

Powers of members so appointed.

Duties and compensations of.

OF THE ELECTIONS IN WILMINGTON HUNDRED.

provided by law for the payment of the compensation of the present members of said Department.

Board to consist of five members.

Section 5. That from and after the first day of April, A. D. 1901, the Department of Elections shall consist and be composed of five members, to wit: the three members who are now members of said Department and the two members appointed by the Governor; and the said five members shall constitute the Department of Elections for the City of Wilmington.

Jurisdiction of

The Department of Elections for the City of Wilmington so constituted as aforesaid, shall have a full and complete jurisdiction over all and every the matters and things now vested by law in the Department of Elections for the City of Wilmington, as at present constituted, and shall exercise every power, privilege, right and duty which now belongs to the said Department of Elections for the City of Wilmington, as fully and completely as the said Department of Elections now by law is authorized to do.

Organization of

Section 6. That the Department of Elections for the City of Wilmington, so constituted as aforesaid, shall meet for organization on the first Tuesday in April, A. D. 1901, and after taking the oath of office prescribed by the Constitution of the State, shall proceed to elect one of their number to be the president of the Department and shall also elect a clerk. Three members shall be sufficient for the purpose of organization and shall constitute a quorum for the transaction of business. The said Department shall have the power to make rules for its government not inconsistent with the Constitution and Laws of the State.

To make rules for government.

All records, books, papers, &c., to be delivered to President.

Section 7. That it shall be the duty of the present Department of Elections for the City of Wilmington, and every member thereof, and every officer, clerk or agent thereof, and every other person having possession or control of any records, books, papers, or other property of or relating to or connected with said Department of Elections, immediately after the organization of the Department created by this Act, to surrender and deposit the same with the President of the Department elected pursuant to the provision of Section Six of this Act, or with such other person as the said president shall order and direct. And in case the said members, officer, clerk or any other person having possession as aforesaid, shall neglect or refuse on demand of the said President to be elected as aforesaid, to deliver up and surrender any of such records, books, papers or other property as aforesaid, each

OF THE ELECTIONS IN WILMINGTON HUNDRED.

and every person neglecting or refusing as aforesaid, shall be ^{Penalty for} guilty of a misdemeanor and upon conviction thereof, shall forfeit ^{refusal.} and pay a fine of five hundred dollars, and be imprisoned for a term of one year, or until the said records, books, papers or other property shall be delivered into the custody of the said President.

Section 8. That all Acts or parts of Acts inconsistent herewith or manifestly superseded hereby, be and the same are hereby repealed.

Approved March 8, A. D. 1901.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 71.

OF SALARIES.

AN ACT TO INCREASE THE SALARY OF THE CHANCELLOR, CHIEF JUSTICE AND ASSOCIATE JUDGES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Increase of
salaries of.

Section 1. That on and after the first day of January, A. D. nineteen hundred and one, in lieu of the present salaries, the salary of the Chancellor shall be Forty-five hundred dollars; the salary of the Chief Justice shall be Forty-five hundred dollars; and the salary of the Associate Judges shall be Four thousand dollars each.

Approved March 8, A. D. 1901.

OF SALARIES.

CHAPTER 72.

OF SALARIES.

AN ACT AMENDING CHAPTER 65 OF VOLUME 21, LAWS OF DELAWARE,
BY INCREASING THE SALARY OF THE STENOGRAPHER AND TYPE-
WRITER FOR THE GOVERNOR AND SECRETARY OF STATE TO SIX
HUNDRED DOLLARS.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Section 1. That Chapter 65 of Volume 21, Laws of Dela-
ware, be and the same is hereby amended by striking out the Increase of sal-
ary of Steno-
grapher. words "three hundred and fifty" and the figures "(350)" in the
fourth line of Section one of said Chapter and inserting in lieu
thereof the words "Six hundred."

Approved February 25, A. D. 1901.

OF SALARIES.

CHAPTER 73.

OF SALARIES.

AN ACT FIXING AN ANNUAL SALARY FOR THE SHERIFF OF NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Sheriff to receive annual salary of \$5,000

Additional allowance for deputies.

To be paid by Levy Court.

To take effect when.

All fees of office to be collected and paid to County Treasurer.

Section 1. That the Sheriff of New Castle County shall receive an annual salary of Five thousand dollars, payable in quarterly installments, and he shall also receive annually the sum of Three thousand dollars for the purpose of defraying the expenses of such deputies as are necessary in performing the duties of the office. The above amounts shall be paid by the Levy Court of said County in the same manner that other county salaries are now paid.

Section 2. That the provisions of the foregoing Section shall take effect at such time as the said Sheriff shall deliver to "The Board of Trustees of the New Castle County Workhouse," the prisoners in his custody, pursuant to the provisions of an Act entitled "An Act to Establish the New Castle County Workhouse," and known as Chapter 247, Volume 21, Laws of Delaware.

Section 3. That all fees which are now by law taxable and payable to the Sheriff of New Castle County for his own use shall continue to be taxed as heretofore, but the same shall be collected by the said Sheriff and paid into the hands of the County Treasurer of New Castle County.

Approved March 9, A. D. 1901.

OF THE GOVERNOR.

CHAPTER 74.

OF THE GOVERNOR.

AN ACT PROVIDING FOR A CONTINGENT FUND FOR THE GOVERNOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That after this Act becomes a law the contingent fund of the Governor shall be Five hundred dollars, and the State Treasurer shall annually pay to the Governor the said sum of Five hundred dollars, which shall be used by said Governor for the contingent expenses of his office.

Contingent
fund of Governor
to be \$500.

Approved March 2, A. D. 1901.

OF THE SECRETARY OF STATE.

CHAPTER 75.

OF THE SECRETARY OF STATE.

AN ACT PROVIDING FOR A CONTINGENT FUND FOR THE SECRETARY OF STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Contingent
fund of Secre-
tary of State to
be \$800.

Section 1. That after this Act becomes a law the contingent fund of the Secretary of State shall be Eight hundred dollars, and the State Treasurer shall annually pay to the Secretary of State the said sum of Eight hundred dollars, which shall be used by said Secretary of State for the contingent expenses of his office.

Committee of
General As-
sembly to audit
his accounts.

The said Secretary of State shall settle his accounts for the expenditure of said contingent fund, annually with the Committee appointed by the General Assembly for that purpose.

Approved March 5, A. D. 1901.

OF THE ATTORNEY GENERAL.

CHAPTER 76.

OF THE ATTORNEY GENERAL

AN ACT TO PROVIDE A FUND TO BE USED BY THE ATTORNEY GENERAL
TO PAY THE NECESSARY EXPENSES OF CRIMINAL PROSECUTIONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 236, Volume 18, Laws of Delaware, entitled an Act for the more efficient protection of the community against crime be, and the same is hereby repealed.

Chapter 236,
Volume 18,
Laws of Delaware,
repealed.

Section 2. That the sum of One thousand dollars be, and the same is hereby annually appropriated out of any moneys in the treasury not otherwise appropriated as a contingent fund for the use of the Attorney General, the said sum, or so much thereof as may be necessary, to be by him used for the purpose of paying the necessary expenses incident to criminal prosecutions, and the Attorney General is hereby authorized and empowered to draw his warrants on the State Treasurer for the said amount or for so much thereof as he may from time to time require, but no such warrant shall be paid by the State Treasurer unless the same shall have been approved by some one of the Judges of the Court of General Sessions by a certificate in writing accompanying the same.

Contingent
fund of Attorney
General to
be \$1,000.

Section 3. That the Attorney General shall make an annual settlement with the State Auditor, accounting for his expenditures made under authority of this Act, and at said settlement shall present his receipts and vouchers for the inspection of the State Auditor.

To make annual
settlement with
State Auditor.

Section 4. That all Acts and parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved March 15, A. D. 1901.

OF CORONERS.

CHAPTER 77.

OF CORONERS.

AN ACT AUTHORIZING THE APPOINTMENT OF A DEPUTY CORONER BY
THE CORONER OF NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Coroner to ap-
point deputy.

Section 1. That it shall and may be lawful for the Coroner of New Castle County, now holding office, or hereafter to be elected, to appoint a Deputy who shall have power to hold inquests, administer oaths, where the Coroner is authorized to administer oaths, and to perform such other duties of the office of said Coroner as he the said Coroner may in writing direct.

Deputy cor-
oner to take
oath of office.
Bond of.

Section 2. The Deputy Coroner so appointed shall before entering upon his duties take the same oath of office as required of the Coroner and shall give a satisfactory bond to the said Coroner in the penal sum of Three thousand dollars.

Approved March 9, A. D. 1901.

OF CONSTABLES.

CHAPTER 78.

OF CONSTABLES.

AN ACT PROVIDING THAT CONSTABLES IN NEW CASTLE COUNTY SHALL WEAR A BADGE OR STAR WITH THE WORD "CONSTABLE" ENGRAVED THEREON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act, every person holding the office of constable in New Castle County shall wear a badge or star with the word "constable" engraved thereon. Constables in New Castle county to wear badge.

Section 2. Every person violating the provisions of this Act shall be fined an amount not exceeding ten dollars before any justice of the peace of New Castle County. Penalty for violation of law.

Approved March 9, A. D. 1901.

OF CONSTABLES.

CHAPTER 79.

OF CONSTABLES.

AN ACT PROTECTING THE PROPERTY OF RAILROAD COMPANIES FROM
TRESPASSERS, AND FIXING POWERS AND FEES OF OFFICERS.*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Governor to
appoint such
number as rail-
road company
may apply for.
Powers and
compensation
of.

Not to act as
deputy to
sheriff or coun-
ty constable-

Section 1. That the Governor be and he is hereby author-
ized to appoint such number of special constables for any Rail-
road Company of this State as such company may apply for.
Such constables shall have all the powers of a County Constable,
but shall receive no compensation or fees except such as are paid
by such Railroad Company. Such Constables shall not act as
deputies of any sheriff or constable and no sheriff or other officer
shall appoint or authorize any person to act as his deputy
in making arrests on the property of any railroad company ex-
cept in cases of riot.

Guilty persons
so arrested to
be committed
by any Justice
of the Peace.

Section 2. In all cases of arrest by such special constables
for vagrancy or trespass on the property of a Railroad Company,
the person so arrested, if proven guilty, may be committed to the
county jail by any Justice of the Peace for a term of not exceed-
ing five days.

Fees of.

Section 3. The fees of Justices of the Peace, Sheriffs and
witnesses under this act shall be the same as those provided in
Chapter 225 of Volume 18, Laws of Delaware.

Approved March 9, A. D. 1901.

OF CONSTABLES.

CHAPTER 80.

OF CONSTABLES.

AN ACT TO AMEND SECTION 3 OF THE ACT ENTITLED "AN ACT TO PROVIDE FOR AN ADDITIONAL CONSTABLE IN NEW CASTLE COUNTY," APPROVED MARCH 2, 1899, BEING CHAPTER 204, VOLUME 21, LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 3 of the Act entitled "An Act to provide for an additional constable in New Castle County," approved March 2, 1899, being Chapter 204, Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the words "twenty-sixth day of April, A. D. eighteen hundred and ninety," in line two of said Section 3, and the word "nine" in line three of said Section 3, and inserting in lieu thereof the words following, viz.: "first day of March, A. D. nineteen hundred and one."

Time extended
for appointment of.

Approved March 5, A. D. 1901.

OF RECORDER OF DEEDS.

CHAPTER 81.

OF RECORDER OF DEEDS.

AN ACT TO AUTHORIZE THE RECORDER OF DEEDS IN AND FOR KENT COUNTY TO MAKE NEW MORTGAGE INDICES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Recorder of
Deeds of Kent
county to make
indices for
mortgages.

Section 1. That the Recorder of Deeds in and for Kent County be and he is hereby authorized and required to make or cause to be made pursuant to the Campbell System of indices, a true and correct copy of the indices to unsatisfied mortgages recorded in his office; and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Kent County.

To be paid by
Levy Court.

Associate
Judge of Kent
county to ap-
point two com-
missioners to
examine and
approve of
same

Section 2. That the Associate Judge of the Superior Court in Kent County shall appoint two Commissioners whose duty it shall be to examine such copy as aforesaid, and if they approve of the execution and exactness thereof, they shall certify the same to be a true and correct copy of said indices; and then and after such certification the said copy shall become and be the indices of the said County in lieu of those heretofore and now in use.

Levy Court to
pay reasonable
compensation
to be fixed by
Superior Court

Section 3. That after the said Commissioners shall have certified as aforesaid, the Levy Court of Kent County shall pay to the Recorder of Deeds and to the said Commissioners a just and reasonable compensation for their services to be fixed by the Superior Court in and for Kent County upon application by the said Recorder and the said Commissioners.

Approved March 8, A. D. 1901.

OF COMMISSIONERS OF DEEDS.

CHAPTER 82.

OF COMMISSIONERS OF DEEDS.

AN ACT TO AMEND SECTION 10, OF CHAPTER 83 OF THE REVISED CODE, RELATING TO ACKNOWLEDGMENT OF DEEDS BY MAKING VALID ACKNOWLEDGMENTS BEFORE COMMISSIONERS OF DEEDS IN POSSESSIONS OF THE UNITED STATES AND FOREIGN COUNTRIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 10 of Chapter 83 of the Revised Code be and the same is hereby amended by inserting in the twenty-second line thereof after the words "District of Columbia" ^{Extension of jurisdiction.} and before the words "The same to be certified" the following words, to wit: "Or in the possessions of the United States, or in foreign countries."

Approved March 7, A. D. 1901.

OF COMMISSIONERS OF DEEDS.

CHAPTER 83.

OF COMMISSIONERS OF DEEDS.

AN ACT TO AMEND SECTION 4, OF CHAPTER 36 OF THE REVISED CODE RELATING TO THE APPOINTMENT OF COMMISSIONER OF DEEDS, BY PROVIDING FOR APPOINTMENT OF SUCH COMMISSIONER OF DEEDS IN TERRITORIES OR POSSESSIONS OF THE UNITED STATES AND FOREIGN COUNTRIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Extension of
jurisdiction.

Section 1. That Section 4 of Chapter 36 of the Revised Code be and the same is hereby amended by inserting in the second line thereof after the words "other states" and before the words "who shall have a seal," the following words, to wit: "Or territories, or possessions of the United States, or foreign countries."

Approved March 7, A. D. 1901.

OF NOTARIES PUBLIC.

CHAPTER 84.

OF NOTARIES PUBLIC.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC IN NEW CASTLE COUNTY, FOR WILMINGTON HUNDRED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public for New Castle County, who shall reside in Wilmington Hundred.

Governor to
appoint additional
Notary
Public.

Section 2. This Act shall be deemed and taken to be a public Act.

Approved March 15, A. D. 1901.

OF NOTARIES PUBLIC.

CHAPTER 85.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC FOR NEW CASTLE COUNTY, TO RESIDE IN THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Governor to
appoint addi-
tional Notary
Public.

Section 1. That the Governor be and he is hereby authorized and empowered to appoint an additional Notary Public in and for New Castle County, to reside in the City of Wilmington.

Amend the bill by adding in the fourth line after the word "Wilmington" the words "for the office of William S. Hilles." *

Approved February 18, A. D. 1901.

* Printed as enrolled.

OF NOTARIES PUBLIC.

CHAPTER 86.

OF NOTARIES PUBLIC.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT AN ADDITIONAL
NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE
COUNTY.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Section 1. That the Governor of the State of Delaware be Governor to
and is hereby authorized to appoint one additional Notary Public appoint an ad-
for Wilmington Hundred, New Castle County. ditional
Notary Public,

Approved February 12, A. D. 1901.

OF NOTARIES PUBLIC.

CHAPTER 87.

OF NOTARIES PUBLIC.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL
NOTARY PUBLIC FOR NEW CASTLE COUNTY.*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*Governor to
appoint an
additional
Notary Public.

Section 1. That the Governor be and he is hereby authorized and empowered to appoint an additional Notary Public in and for New Castle County, to reside in the City of Wilmington, who shall exercise all the powers of Notaries Public in this State.

Amend the bill by inserting in the fifth line after the word "State" the words, "in the Office of the Harlan and Hollingsworth Company." *

Approved February 22, A. D. 1901.

OF NOTARIES PUBLIC.

CHAPTER 88.

OF NOTARIES PUBLIC.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Governor be and he is hereby authorized and directed to appoint an additional Notary Public for New Castle County to reside in the City of Wilmington.

Governor to
appoint an
additional
Notary Public.

Approved March 15, A. D. 1901.

CHAPTER 89.

OF NOTARIES PUBLIC.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR KENT COUNTY TO RESIDE AT OR NEAR MASTENS IN MISPELLION HUNDRED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public for Kent County to reside at or near Mastens in Mispillion Hundred.

Governor to
appoint an ad-
ditional Not-
ary Public in
Mispillion
Hundred.

Approved March 15, A. D. 1901.

OF NOTARIES PUBLIC.

CHAPTER 90.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WEST DOVER HUNDRED, KENT COUNTY, TO RESIDE AT HARTLEY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Governor to
appoint an
additional
Notary Public
for West Dover
Hundred.

Section 1. That the Governor be and is hereby authorized to appoint an additional Notary Public for West Dover Hundred, Kent County, to reside at Hartly.

Approved March 15, A. D. 1901.

CHAPTER 91.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR KENT COUNTY RESIDENT IN THE TOWN OF DOVER.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Governor to
appoint an
additional
Notary Public
for Kent Co.

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public for Kent County, resident in the town of Dover.

Approved February 18, A. D. 1901.

OF NOTARIES PUBLIC.

CHAPTER 92.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR KENT COUNTY RESIDENT IN THE TOWN OF MILFORD.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public for Kent County, resident in the town of Milford.

Governor to
appoint an
additional
Notary Public
for Kent Co.

Approved February 12, A. D. 1901.

CHAPTER 93.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC IN INDIAN RIVER HUNDRED, SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public in Indian River Hundred, Sussex County.

Governor to
appoint an
additional
Notary Public
for Indian
River Hundred

Approved February 22, A. D. 1901.

OF NOTARIES PUBLIC.

CHAPTER 94.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT A NOTARY PUBLIC FOR THE OFFICE OF THE GRAND RECORDER OF THE ANCIENT ORDER OF UNITED WORKMAN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Governor to
appoint Not-
ary Public for
Grand Recorder
of A. O. U. W.

Section 1. That the Governor be and he is hereby authorized to appoint a Notary Public for the office of the Grand Recorder of the Ancient Order of United Workmen, and in case of vacancy by death, resignation or otherwise, the Governor is further empowered to fill such vacancy.

Approved March 7, A. D. 1901.

OF NOTARIES PUBLIC.

CHAPTER 95.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, DELAWARE, FOR THE LAW OFFICE OF HARRY WHITEMAN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (a majority of all the members elected to each House concurring therein):

Section 1. That the Governor be and he is hereby authorized and directed to appoint an additional Notary Public for Wilmington Hundred, New Castle County, Delaware, for the law office of Harry Whiteman.

Approved March 9, A. D. 1901.

Governor to
appoint an
additional
Notary Public
for Wilmington
Hundred
for office of
Harry White-
man.

OF NOTARIES PUBLIC.

CHAPTER 96.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE APPOINTMENT OF A NOTARY PUBLIC FOR
"DIAMOND STATE TRUST COMPANY" AT DOVER, DELAWARE.*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*Governor to
appoint Not-
ary Public for
Diamond State
Trust Co.

Section 1. That the Governor be and he is hereby authorized to appoint a Notary Public for "Diamond State Trust Company" at Dover, Delaware, or in case the said Diamond State Trust Company shall amend its charter or merge with any corporation organized under the Laws of this State, then for such amended or merged corporation. The privileges and duties of said Notary Public shall be confined exclusively to the business of the said Company and business connected therewith.

Commission to
terminate,
when.

Section 2. That the person so appointed Notary Public under and by authority of this Act shall be an officer or employe of the said company, and if at any time afterwards and during the period whilst his commission as Notary Public would otherwise continue said officer or employe shall cease to hold any position with said Company the Commission of such person as Notary Public shall expire and be vacated, and the Governor shall appoint another person who shall be an officer or employe of said company in his stead as Notary Public.

Section 3. That this Act shall repeal all laws or parts of laws so far as they may be inconsistent herewith, and be deemed a public Act.

Approved March 7, A. D. 1901.

OF NOTARIES PUBLIC.

CHAPTER 97.

OF NOTARIES PUBLIC.

AN ACT TO AMEND CHAPTER 211, VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE GOVERNOR TO APPOINT THREE NOTARIES PUBLIC FOR 'THE SUSSEX TRUST TITLE AND SAFE DEPOSIT COMPANY,' " DEFINING THE DUTIES AND PRIVILEGES OF THE NOTARIES PUBLIC AFORESAID.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter two hundred and eleven, volume twenty-one, Laws of Delaware, be and the same is hereby amended by striking out all of Section one of said Act after the word "Laurel" in the seventh line and by inserting in lieu thereof the following: ^{Privileges and duties of.}

"The privileges and duties of the said Notaries Public shall be the same as any other Notary Public for Sussex County."

Approved March 23, A. D. 1901.

OF BOARD OF HEALTH.

CHAPTER 98.

OF BOARD OF HEALTH.

AN ACT TO AMEND CHAPTER 642, VOL. 19, LAWS OF DELAWARE,
ENTITLED AN ACT TO ESTABLISH A STATE BOARD OF HEALTH FOR
THE STATE OF DELAWARE, CHAPTER 21, VOLUME 16, AS AMENDED.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Increased
powers of.

Report to be
printed and
bound.

Appropriation
increased.

Section 1. That Section 4 of Chapter 642, Volume 19, Laws of Delaware, entitled An Act to establish a State Board of Health for the State of Delaware, Chapter 21, Volume 16, as amended, be amended by adding after the word "State" in the fifth line thereof, the words "and make such regulations and adopt such measures, including quarantine vaccination, etc., as they may deem most efficient to eradicate all infectious diseases," and further that said Section be amended by adding thereto the words "Three hundred (300) copies of said report shall be printed and bound in linen, for exchange and distribution by the State Board of Health."

Section 2. That Section seven (7) of the Act aforesaid be amended by striking out the word "One thousand" in the sixth line thereof and inserting the word "Two thousand" in lieu thereof.

Approved February 25, A. D. 1901.

OF INSURANCE COMMISSIONER.

CHAPTER 99.

OF INSURANCE COMMISSIONER.

AN ACT TO RE-ENACT AND REVISE THE INSURANCE LAWS OF DELAWARE, IN ORDER TO MAKE THEM CONFORM WITH THE REQUIREMENTS OF THE AMENDED CONSTITUTION AND OF THE GENERAL CORPORATION LAW.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That there is hereby established in this State a distinct department to be known as the Insurance Department, the chief officer of which shall be denominated the "Insurance Commissioner" of Delaware, who shall be chosen by the qualified electors of the State at general elections and be commissioned by the Governor to serve a term of four years.

The principal office of the Insurance Commissioner shall be in the State House at Dover, where suitable room shall be provided with the State Auditor and furnished by the Librarian. The Governor shall when any vacancy occurs in the office, appoint some suitable person to be Insurance Commissioner for the term intervening between the time of the creation of the vacancy and the next general election, unless such vacancy shall happen within two months next before such election, in which case the election for said office shall be held at the second succeeding general election.

The Insurance Commissioner shall within thirty days after his election give a bond in the penal sum of Ten thousand dollars (\$10,000) with surety or sureties to be approved by the Governor, said bond to be filed with the Secretary of State, conditioned for the faithful discharge of his duties as such Insurance Commissioner; said bond shall be in the form prescribed by Section 6 of Chapter 24 of the Revised Code, and shall, before entering upon the duties of his office, take and subscribe the following oath or affirmation:

OF INSURANCE COMMISSIONER.

Oath or affirmation.

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Insurance Commissioner, according to the best of my ability; and I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office."

To assume duties of office.

He shall assume the duties of his office on the first Tuesday of January after his election. The Insurance Commissioner shall not be a director, officer or agent of, or directly or indirectly interested in any insurance company except as an insured.

Section 2. The following shall be the duties of the Insurance Commissioner:

Duties of.

First: To see that all laws of the State respecting insurance companies are faithfully executed, and to require from all companies not chartered by the laws of this State, transacting the business of insurance in this State, a certified copy of their charter or declaration of organization, and a certificate of the name and residence of an agent or agents of said company, resident in this State, upon whom service of process against said company may be made, both of which shall be filed in his office.

Second: To examine the affairs and condition of any company doing the business of insurance in this State, chartered by the laws of this State, whenever it shall be demanded by the written application of not less than five policy-holders insured in such company to the amount of ten thousand dollars (\$10,000) and to publish the result of such examination in one or more newspapers of this State, whenever he deems it for the interest of the public so to do, and for the purpose of such examination he shall have power to require free access to all books and papers of any insurance company, or the agents thereof, doing business within this State, and to examine any officer, agent or employee of such company, under oath or affirmation, which he is hereby empowered to administer, relative to the affairs and condition of any company; and further, he may, at any time, require from any company doing the business of insurance, or any of its officers or agents, statements on such points as he deems necessary and

OF INSURANCE COMMISSIONER.

proper to elicit a full and fair exhibit of its business and standing, upon the application of not less than five policy-holders of any company, to the amount of ten thousand dollars. The Insurance Commissioner may employ expert assistance in examining the affairs of such company, and charge the cost thereof in the expenses to be paid by the company.

Third: Whenever the Insurance Commissioner shall have reason to believe that any insurance company which has been heretofore incorporated or chartered, or shall hereafter be chartered or incorporated under any law of this State, is insolvent, or fraudulently conducted, or that its assets are not sufficient for carrying on the business of the same, or that it has failed to comply with the provision of this Act or that its condition is such as to render its further proceeding hazardous to its policy-holders or to the public; notwithstanding any special provision granted in its charter or incorporation, the Insurance Commissioner shall revoke its certificate of authority to do business, and shall communicate the fact to the Attorney General, whose duty it shall then become to file a bill or petition in Chancery, in the name of the State, setting forth the facts, and thereupon to apply to the Court of Chancery of any County in which said company may be doing business, or to the Chancellor in vacation, for an order requiring said company to show cause why their business should not be closed. In a proper case made, the said Court, or the Chancellor in vacation, shall have power to appoint a receiver to take charge of, settle and close up the affairs of said Company under the direction of the said Court, to enjoin it from doing business, and to make such order and decree as may be necessary or proper.

Fourth: To furnish to the companies required by this Act to report to him, all necessary blank forms for the statements required, and to publish annually, on or before the first day of July, once a week for three weeks, in at least two newspapers of this State, the names of the insurance companies that have filed statements agreeably to the provisions of this Act, and to whom certificates of authority have been issued, and he shall also state when and where each company was incorporated and its aggregate assets and liabilities, and its receipts and expenditures for the preceding year; the cost of such publication to be borne equally by said companies and the amount to be paid by each shall be deposited with the Insurance Commissioner at the time

OF INSURANCE COMMISSIONER.

the annual statement is furnished, as herein provided.

Fifth: He shall, as soon as practicable in each year, ascertain the net value on the thirty-first day of December of the previous year of all policies in force on that day in each life insurance company doing business in this State. He shall accept the valuations made by the Insurance Department of Pennsylvania, New York, Massachusetts, or the State where such company is incorporated, and may require every such company to furnish him, on or before the first day of March, a certificate of any valuation of its policies made by either of the insurance departments above named, and if any company fails to furnish such valuation he shall revoke its authority to do business in this State. Every life insurance company, incorporated in any State other than Pennsylvania, New York and Massachusetts, shall calculate its reserve on the New York basis of life insurance.

Sixth: In case it is found that any life insurance company doing business in this State has not on hand the net value of all its policies in force after all other debts of the company and claims against it, exclusive of capital stock, have been provided for, it shall be the duty of the Insurance Commissioner to publish the fact that the then existing condition of the affairs of the company is below the standard of legal safety established by this State, and he shall at once withdraw the authority of said company to do business in this State.

Seventh: At the request of any person, and on the payment of the fee, to give certified copies of any record or papers in his office when he deems it not prejudicial to public interests so to do, and to give other certificates as this Act provides for.

Eighth: To report to each regular session of the General Assembly, on the first Tuesday of January, the receipts and expenses of this department for the two years previous; all of his official acts whenever specially required by the General Assembly, and in the absence of any special requirement, such portion of his official Acts as he may deem necessary to make public; the condition of all companies doing the business of insurance in this State, and such other information as will correctly exhibit the affairs of his department, and to send a copy of his report when printed to the Insurance Commissioners, or other similar officer of every other State, and to each company doing business in this State.

OF INSURANCE COMMISSIONER.

Ninth: To communicate on request of any "insurance commissioner," or other similar officer, of any State, any facts which by law it is his duty to ascertain respecting companies doing business in this State.

Tenth: To carefully preserve in permanent form all papers and records relating to the business of his department, and to hand the same over to his successor in office.

Section 3. Every insurance company doing the business of insurance within this State, shall, annually on or before the first day of March, deliver to the Insurance Commissioner a full detailed statement of the condition and business of such company for the year ending on the previous thirty-first day of December, which statement shall be verified by the oath or affirmation of the president or vice president and secretary or other officer. Provided, That of the statement of the United States branch of any foreign company certification by the manager of said branch in the United States shall be sufficient, the home office statement of such company being certified as in other cases. Said statement shall be on blanks prepared and furnished by the Insurance Commissioner for that purpose, and shall contain the name of the company, where located, when and where incorporated or organized, the amount of paid-up capital, with a detailed statement of all assets, showing the amount of cash on hand, in bank or in the hands of agents; the amount and actual value of real estate owned by the company, and the amount of incumbrances thereon: the number of Government, State and municipal and other bonds owned, and the market and par value of the same; the number of shares of stock of every kind owned, and the market value and par value of the same; the amount loaned on bond and mortgage, with the actual cash value of the property mortgaged, and whether such property is subject to any other lien or liens paramount to such mortgage, and the aggregate amount of such paramount liens; the amount loaned on all other securities, stating the name and kind of securities, and the amount loaned on each; also stating the liability and indebtedness of such company; the amount of losses against the company adjusted and unpaid, the amount in process of adjustment or in suspense, including all reported and supposed losses, losses resisted, including interest and other expenses thereon; and all other liabilities, claims and demands whatsoever against the company, and all other information necessary and proper to fully set forth a full

Insurance companies to file statement,

How verified.

Blanks to be furnished by Insurance Commissioner.

Contents of statement.

OF INSURANCE COMMISSIONER.

and fair exhibit of its business and standing.

Conditions under which certificate shall be issued by Insurance Commissioner.

Section 4. That if by the statement, furnish as aforesaid, it shall appear that such company is incorporated under the laws of this State, and is a mutual fire insurance company and that agreements have been entered into by the company for insurance with at least one hundred applicants, and that securities on said insurance founded on actual and bona fide applications for insurance, and amounting to not less than twenty thousand dollars, have been received; or, if it shall appear by such statement that such company, being incorporated under the laws of this State is a stock company, and has an actual paid in capital stock of at least one hundred thousand dollars over and above all claims and liabilities; or, if it shall appear by such statement that such company is incorporated under the laws of any other State or foreign government, and is in good condition, and has assets to the amount of one hundred and fifty thousand dollars over all liabilities and claims, then the Insurance Commissioner shall issue a certificate authorizing said company to transact the business of insurance, and establish agencies in this State. If it shall appear that any stock company incorporated under the laws of this State, has heretofore been granted the privilege in its charter or acts of incorporation of doing business on a capital stock of less than one hundred thousand dollars, that company shall have three months' time after the passage of this Act in which to increase its capital to the legally recognized standard specified in this Act.

Time in which to increase capital.

Secretary of State not to file certificate of, except upon bona fide subscriptions of \$100,000, &c.

That from and after the passage of this Act the Secretary of State shall not file a certificate of incorporation for any company having for its objects the carrying on of life, fire or accident insurance, unless such certificate shall be accompanied by an affidavit made by the majority of the signers of such certificates setting forth that there has been bona fide subscriptions made to the capital stock of said proposed company to the amount of \$100,000, and that five per cent. of said subscriptions have been paid in cash and deposited with the Insurance Commissioner of this State, and as further proof that said deposit has been made the Secretary of State shall require to be filed with him before the filing of said certificate of incorporation a certificate from the Insurance Commissioner of this State setting forth that said deposit has been made with him, provided, however, that when such company in whose behalf the said deposit has been made, has organized, has a fully paid capital stock of \$100,000, and has se-

Certificate to that effect to be made by Insurance Commissioner to Secretary of State.

OF INSURANCE COMMISSIONER.

cured the certificate of authority of the Insurance Commissioner contemplated by this Act, it may withdraw the said amount deposited with the Insurance Commissioner, and commence business; and further, provided, that said company shall not be authorized to commence business, within the State of Delaware or elsewhere, until it has conformed to the requirements of this Act.

For the purpose of this Act the capital of any stock insurance company shall be deemed to be the aggregate value of its deposits, assets and investments, certified according to the provisions of this Act; after making deductions therefrom for all losses and all liabilities, and for premiums on unexpired risks other than life; and stockholders' obligations may be held and considered to be assets of Delaware Insurance Companies incorporated before the passage of this Act.

If at any time the Insurance Commissioner shall find the capital stock of any company doing business in this State impaired to the extent of twenty per centum, he shall give notice to the company to make good its whole capital stock within sixty days, and, if this is not done, he shall require the company to cease to do business within this State, and shall, thereupon, in case the company is organized under the laws of this State, immediately institute legal proceedings as required in Section 2 of this Act.

Section 5. If by the statement furnished as aforesaid, it shall appear that such company is a mutual fire insurance company incorporated under the laws of another State; that agreements have been entered into by the company for insurance with at least one hundred applicants, and that securities on said insurance founded on actual and bona fide applications for insurance and amounting to not less than twenty thousand dollars, have been received, and that such mutual fire insurance company is duly authorized to do business in the State in which it is incorporated by the insurance department of said State; or, if it shall appear by such statement that such company is a stock company incorporated under the laws of another State or foreign country, and is in good condition, and has assets to the amount (of) one hundred thousand dollars over and above all liabilities and claims, then the Insurance Commissioner, upon the said company complying with all the provisions of this Act in regard to companies of other States, shall issue a certificate authorizing said company to transact the business of insurance and establish agencies in

Exception to.

What constitutes capital stock of.

Notice of Insurance Commissioner to make good its capital stock.

Penalty for failure to comply.

Requirements as to foreign mutual fire insurance companies.

OF INSURANCE COMMISSIONER.

this State. The Insurance Commissioner shall have the right and power to withdraw or revoke his certificate of authority issued by him to any insurance company, whether of this State, or of any other State or foreign government, for any violation of the laws of this State, or whenever for good cause he shall deem it necessary or advisable.

Duties of Insurance Companies.

Section 6. Every corporation, company, association, society, partnership or body of any kind, chartered, incorporated, organized or associated together in this State, or in any State other than this, doing business in this State, and issuing or proposing to issue any policy, or certificate, or instrument of any kind by which any sum or assessment or benefit of any kind is promised, shall be deemed to be an insurance company within the meaning and subject to the provisions of this Act, and every such company, or any company chartered, incorporated or organized either under the laws of this or any other State for the insurance of lives upon the assessment or beneficial plan, and desiring to do business in this State, shall comply with all of the requirements of this Act respecting mutual companies incorporated under the laws of this State, and life insurance companies not incorporated under the laws of this State, and then the Insurance Commissioner shall issue to it his certificate of authority; provided, that every such company shall not be required to maintain a cash reserve, nor shall policies issued by it be subject to the provisions of the fifth and sixth clauses of the second section of this Act; and provided, also, that any benevolent, charitable or fraternal organization or association duly organized, or existing, or which may hereafter be duly organized, doing business in this State which engages or employs agents or solicitors in collecting premiums or assessments other than at their meeting or lodge room shall be and hereby is required only to submit to the Insurance Commissioner a statement such as is specified in Section 3 of this Act and pay a fee of ten dollars for the filing of such annual statement.

Insurance Commissioner to take action against.

If from the statement submitted it shall appear that the affairs of the organization or association are in such a condition that its further operation would be a danger to the public, the Insurance Commissioner shall proceed against it in the manner provided for in Section 2, third clause, of this Act; provided, further, however, that this Act shall not in any way be construed to apply to the Railroad Relief Association, or to secret, charitable or secret beneficial organizations.

Exceptions.

OF INSURANCE COMMISSIONER.

Section 7. No insurance company or corporation shall be engaged in, prosecute or transact any insurance business within the limits of this State, without first having obtained authority therefor, agreeably to the provisions of this Act, and every such company, not incorporated under the laws of this State, shall before doing business as aforesaid, deliver to the Insurance Commissioner a certified copy of its charter or declaration of organization, and also a certificate, in such form as may be provided by the Commissioner, of the name and residence of some person or agent within this State upon whom service of process may be made, and all process against such company issued out of the courts of this State, may then and thereafter be served upon such person or agent so designated, and no person or persons shall procure or solicit any citizen or resident of this State to take out a policy of insurance in any insurance company or corporation not authorized to transact business within this State, or act within this State as agent for such company or corporation (or any person or association of individuals doing a like business and not authorized to transact business within this State) or otherwise in any manner, directly or indirectly, aid in the transaction of the business of or in the collection of any premiums, dues or assessment by or for such company, corporation, person, or association of individuals, except in the prosecution or defense of suits at law, under the penalty upon conviction of being a misdemeanor and subject to a fine or imprisonment or both, at the discretion of the court. It shall not be lawful for any person to act within this State as agent or other wise in receiving or procuring applications, or in any manner, directly or indirectly, to aid in transacting the business of insurance permitted by this Act without first obtaining from the Insurance Commissioner a State license under the penalty upon conviction of being a misdemeanor and subject to a fine or imprisonment or both, at the discretion of the court.

Insurance Company to deliver to Insurance Commissioner certified copy of its charter.

Name of agent upon whom process may be served.

Not to solicit business for unauthorized companies.

Penalty for.

Agents to procure licenses from Insurance Commissioner.

Section 8. The Insurance Commissioner shall have a seal of office surrounded by the words "Insurance Commissioner of the State of Delaware." All certificates and other official papers shall be accompanied with an impression of this seal. Any instrument carefully executed by the Insurance Commissioner of this State, and authenticated by his seal of office, shall be received in evidence in the courts of this State, and copies of papers and records in his office, so authenticated, shall be received as evidence with the same effect as the originals.

Seal of office.

Papers under seal to be evidence.

OF INSURANCE COMMISSIONER.

Penalty for
perjury.

Section 9. If any person making an oath or affirmation required by this Act, or if any person being or assuming to be an officer or agent of any insurance company incorporated by this State making any oath or affirmation required by the insurance laws of any other State, shall swear falsely, or make a false affirmation, he shall be guilty of the crime of perjury and shall be subject to the punishment prescribed for perjury under the laws of this State. Any company or persons otherwise violating this Act shall be guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be subject to imprisonment not exceeding one year, or a fine not exceeding one thousand dollars, or both, at the discretion of the court, and the Insurance Commissioner shall suspend any company so convicted, or whose agent is so convicted, from doing business within this State, until the fine is paid.

Fees under
this Act.

Section 10. There shall be paid to the Insurance Commissioner by every company to which this Act applies the following fees: For filing the declaration or certified copy of charter, ten dollars; for filing the annual statement of companies authorized to do business in the State, ten dollars; for the annual publication of the conditions of the companies authorized to transact business in the State by three or more newspapers a sum to be estimated by the Commissioner to cover cost of publication; to issuing Certificates of Authority every foreign insurance company, twenty-five dollars, and fee to the Commissioner for issuing the same, two dollars; agent's certificate of authority to represent each company, two dollars; to issuing a State license to a Foreign Life or Foreign Fire insurance agent, or a Foreign insurance agent other than life or fire, five dollars, and the fee to the Commissioner for issuing the same for each license, fifty cents; and one and one-half per centum on the gross amount of premiums received and assessments collected by each and every foreign insurance company, and for every certified copy of each certificate of authority to Foreign insurance companies, two dollars; for every copy of any paper filed in his office, twenty cents per folio of one hundred words, and for affixing the official seal to such copy and certifying the same the sum of one dollar; for official examination of companies under this Act, the actual expenses incurred; the said Insurance Commissioner shall receive a sum not exceeding fifteen hundred dollars per annum, which sum, together with the sum of six hundred dollars to be paid as an annual salary to his clerk, which said clerk shall be appointed

Salary of.

Salary to clerk

OF INSURANCE COMMISSIONER.

by the Insurance Commissioner, shall be paid quarterly by the State Treasurer, in the manner prescribed for the payment of the salaries of other State officers, and shall be a full compensation for all the duties imposed upon him by the various laws heretofore and hereby and hereafter to be enacted, unless otherwise provided, including the superintending of the publication of his reports. He shall hand over the fees collected by him for the use of the State to the State Treasurer in the months of May and December.

Fees collected
to be paid to
State Treasurer.

The Insurance Commissioner shall receive no other compensation from the State, except the necessary expenses of his office, such as postage, printing, stationery, etc., which shall be allowed by the General Assembly.

Section 11. That no fire insurance company or association not incorporated under the laws of this State, authorized to transact business herein, shall make, write, place or cause to be made, written or placed, any policy, duplicate policy, or contract of insurance of any kind or character, or any general or floating policy upon property situated or located in this State, except after the said risk has been approved in writing by an agent who is a resident of this State, regularly commissioned and licensed to transact insurance business herein, who shall countersign all policies so issued, and receive the commission thereon when the premium is paid, to the end that the State may receive the taxes required by law to be paid on the premiums collected for insurance on all property located in this State; and that no person other than the owner shall pay or forward any premiums, application for insurance, or in any manner secure, help or aid in the placing of any fire insurance, or effect any contract of insurance upon real or personal property within this State, directly or indirectly, with any insurance company or association not of this State, or which has not been authorized to do business in this State, unless such person or persons shall first secure a license from the Insurance Commissioner of this State, as now provided by law. Nothing in this Act shall be construed to prevent any such insurance company or association, authorized to transact business in this State, from issuing policies at its principal or department offices covering property in this State, provided, that such policies are issued upon applications procured and submitted to such company by agents who are residents of this State, and licensed to transact the business of insurance herein, and who shall countersign all

Regulations as
to fire insurance.

OF INSURANCE COMMISSIONER.

policies so issued and receive the commission thereon when paid; provided, that no part of this section is intended to or shall apply to direct insurance covering the rolling stock of railroad corporations, or property in transit while in the possession and custody of railroad corporations or other common carriers, nor to the property of such common carriers, used or employed by them in their business as common carriers of freight, merchandise or passengers.

Not to reinsure
in unauthorized
companies.

Section 12. No fire insurance company or association shall reinsure in any manner whatsoever, the whole or any part of a risk taken by it on property situated or located in this State, in any other company or association not authorized to transact business in this State. No fire insurance company or association shall transfer or cede in any manner whatsoever, to any company or association not authorized to do business in this State any risk or liability, or any part thereof, assumed by it under any form or contract of insurance covering property located in this State, including any risk or liability under any general or floating policy or any agreement, general, floating or specific, to reinsure excess loss by one or more fires. No fire insurance company or association shall reinsure or assume, as a reinsuring company or otherwise, in any manner or form whatsoever, the whole or any part of any risk or liability, covering property located in this State, of any insurance company or association not authorized to transact business in this State.

Upon information
Insurance
Commissioner
to examine
books of com-
panies.

Section 13. Whenever the Insurance Commissioner shall have or receive information that any fire insurance company or association, not incorporated under the laws of this State, has violated any of the provisions of this Act, he is authorized, at the expense of such company or association, to examine by himself or his accredited representative at the principal office or offices of such company or association, located in the United States of America or in any foreign country and also at such other offices or agencies of such company or association as he may deem proper, all books, records and papers of such company or association, and may examine, under oath, the officers, managers and agents of such company or association as to such violation or violations. The refusal of any such company or association to submit to such examination or to exhibit its books and records for inspection, shall be presumptive evidence that it has violated the provisions of this Act, and shall subject it to the penalties pre-

OF INSURANCE COMMISSIONER.

scribed and imposed by this Act.

Section 14. Every fire insurance company or association shall annually and at such other times as the Insurance Commissioner may require, in addition to all returns now by law required of it or its agents or managers make a return to the Insurance Commissioner, in such form and detail as may be prescribed by him of all insurance (reinsurance) or cessions of risk or liability contracted for or effected by it, whether by issue of policy, entry on bordereau, or general participation agreement, or by excess loss reinsurance, or in any other manner whatsoever, upon property located in this State, or covering, whether specified or otherwise, any risk or liability upon property so located; such return to be certified by the oath of its president and secretary, if a company or association of one of the United States, and if a company or association of a foreign country by the oath of its managers in the United States, as to such reinsurance or cessions effected through its branch office in the United States, and by the oath of its president and secretary, or by officers corresponding thereto at its home office wherever located, as to reinsurance or cessions, as aforesaid, contracted for or effected through the foreign office. The refusal of any such company or association to make the returns herein required, shall be presumptive evidence that it is guilty of violating the provisions of the second section of this Act, and shall subject it to the penalties prescribed and imposed by this Act.

Fire insurance companies to make additional returns to Insurance Commissioner.

Refusal to make return.

Section 15. Any insurance company or association willfully violating or failing to observe and comply with any of the provisions of this Act, applicable thereto, shall be subject to and liable to pay a penalty of five hundred dollars for each violation thereof, and for each failure to observe and comply with any provisions of this Act; such penalty may be collected and recovered in an action brought, in the name of the State, in any court having jurisdiction thereof. No insurance company or association, whose authority to transact business in this State shall have been so revoked, shall be again authorized or permitted to transact business herein until it shall have paid the amount of any such judgment, and shall have filed in the office of the Insurance Commissioner a certificate, signed by its president or other chief officer, to the effect that the terms and obligations of the provisions of this Act are accepted by it as a part of the conditions of its right and authority to transact business in this State.

Penalty for non-observance.

OF INSURANCE COMMISSIONER.

Reduction of
tax.

Section 16. In case any such company or companies shall effect reinsurance with any other company or companies of this State, or licensed to do business in this State, the said company so effecting reinsurance shall be entitled to deduct from the gross premium licensed (received) by it the amount of tax it would otherwise be required to pay upon said reinsurance.

Foreign fire
insurance com-
panies without
capital stock,
how licensed.

Section 17. Any insurance company of any other State, transacting the business of fire or marine insurance on the mutual principle, without capital stock, but with accumulated cash assets over and above all liabilities, including reserve, of not less than one hundred thousand dollars, may be licensed by the Insurance Commissioner, upon complying with the laws of this State applicable to joint stock fire insurance companies of other States.

Section 18. All Acts and parts of Acts, whether general or special, inconsistent with the provisions of this Act, are hereby repealed.

Approved March 22, A. D. 1901.

OF INSURANCE COMMISSIONER.

CHAPTER 100.

OF INSURANCE COMMISSIONER.

AN ACT AUTHORIZING THE INSURANCE COMMISSIONER TO PUBLISH THE
REPORTS OF THE FORMER INSURANCE COMMISSIONER EDWARD
FOWLER FOR THE YEAR ENDING DECEMBER 31, 1900.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met:*

Section 1. That the Insurance Commissioner be and he is hereby authorized to have printed the report of the former Insurance Commissioner, Edward Fowler, for the year ending December 31, 1900. There shall be published one thousand copies of said report bound in cloth, and said report shall have an index.

Approved March 9, A. D. 1901.

OF THE STATE BOARD OF AGRICULTURE.

CHAPTER 101.

OF THE STATE BOARD OF AGRICULTURE.

AN ACT TO AMEND CHAPTER 216, VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT TO PROVIDE AND ESTABLISH A STATE BOARD OF AGRICULTURE AND TO PRESCRIBE ITS POWERS AND DUTIES," BY INCREASING THE POWERS AND DUTIES OF THE STATE BOARD OF AGRICULTURE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Amend Chap-
ter 216, Volume
21, Laws of
Delaware.

Section 1. That Chapter 216, Volume 21, Laws of Delaware, entitled "An Act to provide and establish a State Board of Agriculture and to prescribe its powers and duties," be and the same are hereby amended by adding thereto the following as a new section.

Powers of.

Section 22. The said Board of Agriculture shall have power to compel all growers of fruit to stamp or mark the baskets, boxes, packages, crates, parcels or other receptacle used by them for the shipment of any fruit or fruits with his or her or their name or names, initial or initials or with some distinguishing device or mark which may be readily and easily read and seen on the same, and said Board may adopt rules and regulations to carry this into effect.

Penalty for.

If any grower of any fruit or fruits shall neglect or fail, after ten days' notice by said Board, to comply with the provisions of this section he or she or they shall be guilty of a misdemeanor and upon conviction thereof shall forfeit and pay a fine of five dollars.

Approved March 9, A. D. 1901.

OF THE STATE BOARD OF AGRICULTURE.

CHAPTER 102.

OF THE STATE BOARD OF AGRICULTURE.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE AND ESTABLISH A STATE BOARD OF AGRICULTURE AND TO PRESCRIBE ITS POWERS AND DUTIES," BEING CHAPTER 216, VOLUME 21, LAWS OF DELAWARE, THEREBY ENABLING THE GOVERNOR TO APPOINT THE COMMISSIONERS OF AGRICULTURE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 1 of the Act entitled "An Act to provide and establish a State Board of Agriculture and to prescribe its powers and duties," being Chapter 216, Volume 21, Laws of Delaware, be and the same is hereby amended by striking out all of said section after the word and figure "Section 1," down to and including the word "years" in line ten of said section and before the word "which" and by inserting in lieu thereof the following words:

"The Governor of this State shall appoint three Commissioners of Agriculture, by and with the consent of a majority of all the members elected to the Senate, one of whom shall reside in each county of the State, and one of whom shall be of different political faith from the other two, and one of whom shall be appointed and commissioned for the term of one year, another one of whom shall be appointed and commissioned for the term of two years, and the remaining one of whom shall be appointed and commissioned for the term of three years."

Governor to
appoint State
Board of Agri-
culture.

Terms of office.

Section 2. All acts or parts of acts inconsistent with this Act are hereby repealed.

Approved February 6, A. D. 1901.

OF STATE DETECTIVES.

CHAPTER 103.

OF STATE DETECTIVES.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT IN RELATION TO STATE DETECTIVES APPROVED MARCH 18TH, A. D., 1898, BEING CHAPTER 64, VOLUME 21, LAWS OF DELAWARE."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 64,
Volume 21,
Laws of Dela-
ware, repealed.

Section 1. That the Act entitled "An Act in relation to State Detectives," approved March 18, A. D. 1898, being Chapter 64, Volume 21, Laws of Delaware, be and the same is hereby repealed and made null and void.

Approved March 12, A. D. 1901.

OF STATE DETECTIVES.

CHAPTER 104.

OF STATE DETECTIVES.

AN ACT IN RELATION TO STATE DETECTIVES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That on the third Monday in March in the year one thousand nine hundred and one, and every four years thereafter, the Governor shall appoint two suitable persons, one of whom shall reside in the City of Wilmington, to be detectives for the State of Delaware. Such detectives shall hold office for the term of four years from the date of their appointment, and until their successors shall be appointed and duly qualified, unless sooner removed from office by the Governor as hereinafter provided. It shall be the duty of the said detectives, under the direction of the Attorney General or his Deputy, to investigate and ferret out crimes committed in this State.

Governor to
appoint two
State Detect-
tives.

Term of office.

Section 2. They shall have authority to make arrests and serve writs anywhere in the State.

Section 3. They or one of them shall serve all requisitions made by the Governor, and for this shall not receive any compensation except their actual expenses. Such expenses shall be paid by the State Treasurer upon the production of vouchers approved by the Attorney General and the Secretary of State.

Duties of.

Section 4. They shall receive for their services a salary of Twelve hundred dollars per annum each, payable in equal monthly installments by the Treasurer of the State of Delaware out of any funds in his hands not otherwise appropriated, upon the certificate of the Attorney General that they have faithfully performed the duties of their office during the preceding month.

Salary.

Section 5. Before entering upon the duties of their office they shall be duly sworn to faithfully discharge the duties of their office, according to the best of their ability.

Oath of office.

OF STATE DETECTIVES.

Not to be held
as officers with-
in the scope of
Section 13,
Article 3 of the
Constitution.

Section 6. Detectives appointed under the provisions of this Act shall not be held or considered to be officers within the scope and meaning of Section 13 of Article III, of the Constitution, but shall be held and considered to be special police officers for the Attorney General, and may be removed from office by the Governor at any time; Provided, however, that no such detective shall be so removed except upon complaint filed in the office of the Secretary of State by the Attorney General, of which complaint such detective shall have at least ten days' notice, and upon which complaint he shall be given by the Governor an opportunity to be heard, either in person or by counsel.

Section 7. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 15, A. D. 1901.

OF TRUSTEES OF THE POOR.

CHAPTER 105.

OF TRUSTEES OF THE POOR.

AN ACT FURTHER PROVIDING FOR THE COMPENSATION OF THE TRUSTEES
OF THE POOR OF KENT COUNTY.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Section 1. That the Trustees of the Poor of Kent County ^{compensation}
for attendance at the Almshouse in performance of their duties ^{per diem.}
shall each receive two dollars and half per day.

Approved March 9, A. D. 1901.

1872

1872

1872

Section 2. The
the State Treasurer
the amount set up
the Levy Court of
by the State and the
the State of Del-

OF ROAD COMMISSIONERS.

CHAPTER 107.

OF ROAD COMMISSIONERS.

AN ACT IN RELATION TO ROAD COMMISSIONERS IN NEW CASTLE COUNTY, AND COMMISSIONERS OF ROADS IN BRANDYWINE HUNDRED IN SAID COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Road Commissioners in the several Hundreds in New Castle County and the Commissioners of Roads of Brandywine Hundred in said county be and they are hereby required and compelled to keep an itemized account of all receipts and expenditures of money and the purposes for which all moneys were expended. Duties of.

Section 2. That the resident Associate Judge of New Castle County, in the month of June, in each and every year hereafter, shall appoint two electors resident in each hundred, of said county, from the two principal political parties, whose duty it shall be to audit the accounts of the Road Commissioners of their Hundred, and the Commissioners of Roads in Brandywine Hundred and report to the said Judge, who shall cause the same to be published in a newspaper, or in pamphlet form, as he may deem best. Associate Judge of New Castle County to appoint two auditors.
Duty of.
Report to be published.
The said Auditors shall receive the same pay per day as Road Commissioners, but for no more than three days, and the same shall be paid to the Road Commissioners and the Commissioners of Roads in Brandywine Hundred in said County, out of any money in their hands. Compensation of Auditors.

Section 3. If any Road Commissioner or Commissioners of Roads aforesaid shall fail or neglect to comply with any of the provisions of this Act he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall forfeit and pay a fine of not more than two hundred dollars, or be imprisoned for not less than one month nor more than one year or both, at the discretion of the Court. Penalty for neglect.

Approved March 9, A. D. 1901.

OF ROAD COMMISSIONERS.

CHAPTER 108.

OF ROAD COMMISSIONERS.

AN ACT AUTHORIZING THE ROAD COMMISSIONERS OF ST. GEORGES HUNDRED IN NEW CASTLE COUNTY TO FUND THE FLOATING AND BONDED DEBT, AND PROVIDING FOR THE PAYMENT THEREOF.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Whereas, The Road Commissioners of St. Georges Hundred in New Castle County have a floating debt of long standing amounting to seventy-five hundred dollars, for the payment of which there is no adequate method provided by law;

And Whereas, In addition to the said floating debt the said Commissioners are indebted to the estate of John P. Cochran, deceased, in the sum of thirty-three hundred dollars, which debt is secured by a bond of the said Commissioners;

And Whereas, It is proper the provision should be made for the payment of the said floating and bonded debt;

Therefore, Be it enacted by the authority aforesaid as follows:

Section 1. That the said Road Commissioners be and they are hereby authorized to borrow in the name of the Road Commissioners of St. Georges Hundred, and their successors, the sum of ten thousand eight hundred dollars for the purpose of paying the said floating and bonded debt.

Road Commissioners of St. Georges Hundred to borrow money.

Section 2. That, for the purpose aforesaid the said Road Commissioners shall be and they are hereby authorized to execute in their names as Road Commissioners, and issue eleven bonds to secure the payment of the said loan, said bonds to be numbered consecutively from Number 1 to Number 11, inclusive; that the first of said bonds shall be of the denomination of eight hundred dollars, and the remaining ten bonds shall be of the denomination of one thousand dollars each, said bonds to bear

To issue bonds.

Denominations of.

OF ROAD COMMISSIONERS.

interest from their date at the best rate which can be obtained not exceeding four per centum per annum, payable semi-annually. The principal of said bonds shall be made payable as follows: The first thereof on the first day of January, A. D. nineteen hundred and two, and one of the said bonds to become due and payable on the first day of January of each and every year thereafter. When due and payable.

Section 3. That for the purpose of negotiating such bonds Andrew S. Eliason and George W. W. Naudain are hereby appointed Special Commissioners to procure and have prepared the said bonds, to see that the same are properly executed by the said Road Commissioners, to make sale thereof, and to receive and apply the money obtained therefor to the payment of the floating and bonded indebtedness aforesaid. Andrew S. Eliason and George W. W. Naudain to be special Commissioners to prepare bonds and make sale thereof.

Nothing contained in this Act shall authorize the said Andrew S. Eliason and George W. W. Naudain to pay to the said Road Commissioners, directly or indirectly any of the amount received from the sale of the said bonds until after all of the said floating and bonded indebtedness has been fully paid and discharged. If there should remain any balance in the hands of the said Andrew S. Eliason and George W. W. Naudain, such balance shall be paid to the County Treasurer, to be applied by him as hereinafter provided. Before entering upon the duties imposed upon them by this Act the said Andrew S. Eliason and George W. W. Naudain shall enter into bond to the State of Delaware in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties imposed upon them by this Act, said bond to be approved by one of the Judges of the Superior Court of the State of Delaware, and upon its approval to be filed with the County Treasurer. Moneys received, how disposed of. Special Commissioners to give bond.

Section 4. The principal and interest of said bonds shall be paid out by the County Treasurer and Receiver of Taxes of New Castle County out of the road tax raised in said Hundred from year to year. Principal and interest, how paid.

Section 5. That the sum of one hundred dollars shall be paid to Andrew S. Eliason and a like sum to George W. W. Naudain by the Road Commissioners of said Hundred, upon the completion of the duties required of them, by this Act. Compensation of.

Approved March 9, A. D. 1901.

OF ROAD COMMISSIONERS.

CHAPTER 109.

OF ROAD COMMISSIONERS.

AN ACT AUTHORIZING THE ROAD COMMISSIONERS OF APPOQUINIMINK HUNDRED IN NEW CASTLE COUNTY TO FUND THE FLOATING DEBT AND SECURE THE PAYMENT THEREOF.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Whereas, The Road Commissioners of Appoquinimink Hundred in New Castle County have a floating debt of long standing amounting to thirty-five hundred dollars for the payment of which there is no adequate method provided;

And Whereas, It is proper that provision should be made for the payment thereof; therefore

Be it enacted by the authority aforesaid, as follows:

Road Commissioners of Appoquinimink Hundred to borrow money.

Section 1. That the said Road Commissioners be and they are hereby authorized to borrow in the names of the Road Commissioners of Appoquinimink Hundred, the sum of thirty-five hundred dollars for the purpose of paying said floating debt.

To issue bonds.

Section 2. That the said Road Commissioners be and they are hereby authorized to issue seven bonds to secure the repayment of said loan as follows: Each of said bonds shall be of the denomination of five hundred dollars and be numbered from one to seven, inclusive, and shall bear interest from their date at the best rate which can be obtained by the said Commissioners not exceeding four per cent. per annum, payable semi-annually. Such bonds shall be due and payable as follows:

Denomination of.

When due and payable.

The first thereof on the first day of January, A. D. 1902, and one of said bonds to become due and payable on the first day of January each and every year thereafter.

Principal and interest, how paid.

Section 3. That the principal and interest of said bonds shall be paid out of the road taxes of said Hundred, and in no case whatsoever shall the road tax or taxes be increased to meet the same.

OF ROAD COMMISSIONERS.

Section 4. That for the purpose of negotiating such bonds John F. Staats and Isaac R. Staats are hereby appointed Special Commissioners to procure and have prepared the said bonds, to see that the same are properly executed by the said Road Commissioners, to make sale thereof, and to receive and apply the money obtained therefor to the payment of the said floating debt. Nothing contained in the Act shall authorize the said Special Commissioners to pay to the said Road Commissioners, directly or indirectly, any of the amount received from the sale of the said bonds until said floating debt is fully paid with interest due thereon.

John F. Staats and Isaac R. Staats to prepare bonds and make sale thereof.

Moneys, how applied.

Any balance left after such payments shall be paid to the County Treasurer, who shall hold the same and apply it to the payment of the first bond falling due.

Section 5. The said Special Commissioners before performing any of the duties by this Act imposed shall give bond unto the State of Delaware in the penal sum of seven thousand dollars conditioned for the faithful performance of the duties by this Act imposed upon them, which said bond shall be approved by one of the Judges of the Superior Court of the State of Delaware and thereafter be and remain filed with the County Treasurer and shall be proceeded on at the instance of the Levy Court, upon the breach of the condition thereof.

Bond of.

Section 6. That the said bonds shall be paid, principal and interest, when and as they severally fall due and become payable by the County Treasurer, and the amounts so paid by him shall be deducted by him from the amount of road taxes of the said Hundred received by him.

Principal and interest, how paid.

Section 7. That the sum of fifty dollars shall be paid to John F. Staats and a like sum to Isaac R. Staats by the Road Commissioners of said Hundred upon the completion of the duties required of them by this Act,

Compensation of.

Approved March 14, A. D. 1901.

BOARD OF PARDONS.

CHAPTER 110.

OF BOARD OF PARDONS.

AN ACT TO EMPOWER THE BOARD OF PARDONS OF THIS STATE TO
SUMMON WITNESSES AND TO COMPEL THEIR ATTENDANCE.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Powers of.

Section 1. That the Board of Pardons of this State shall be and they are hereby authorized and empowered to summon and to compel the attendance of witnesses upon the meeting of said Board of Pardons, and the said Board of Pardons shall have and possess all the powers in this respect that are now possessed and exercised by the Courts of General Sessions in this State.

Costs of appli-
cation for
pardons, how
borne.

Section 2. That all witness fees and costs of transportation of applications for pardon to the place of meeting of the Board of Pardons shall be borne by the party ordering the summons, or requiring the attendance of the applicant for pardon.

Approved March 9, A. D. 1901.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER III.

OF RELIGIOUS SOCIETIES.

AN ACT TO REPEAL CHAPTER 217 OF VOLUME 21, LAWS OF DELAWARE, ENTITLED AN ACT TO AMEND CHAPTER 39, REVISED STATUTES, CONCERNING RELIGIOUS SOCIETIES, AND RESTORING THE PROVISIONS STRICKEN OUT BY SAID ACT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 217 of Volume 21, Laws of Delaware, be and the same is hereby repealed, and it is intended that the effect hereof shall be to restore and re-enact Section 2 of said Chapter 39, Revised Statutes.

To re-enact
Section 2,
Chapter 39, Re-
vised Statutes.

Approved March 2. A. D. 1901.

OF THE SCHOOL FUND.

CHAPTER 112.

OF THE SCHOOL FUND.

AN ACT PRESCRIBING THE METHOD OF APPORTIONING THE PUBLIC SCHOOL FUND AMONG THE SCHOOL DISTRICTS OF THIS STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State Auditor
to make report
to Trustee of
School Fund.

Section 1. That in order that the Trustee of School Fund shall have the information necessary to distribute the public school fund of the State, it shall be the duty of the Auditor of Accounts, to examine and settle the accounts of every single, united, consolidated and incorporated school district in the State between the first day of July and the tenth day of August in each year, and to report the result of such settlements to the Trustee of the School Fund on or before the twentieth day of August, giving the amounts remaining in the hands of such districts unexpended of the moneys received from the State and required to be raised by taxation in order to entitle such districts to their shares of the said moneys from the State, the number of teachers employed in each school and the number of days taught by each teacher during the school year.

Amount of ap-
propriation.

Section 2. That the income arising from the investments for the benefit of the Public School Fund, together with the money appropriated from time to time by the General Assembly for the benefit of the free public schools, "which said appropriation shall not be less than one hundred and twenty thousand dollars annually," shall be apportioned among the school districts of the State in the following manner:

How divided.

The Trustee of the School Fund shall annually in the month of August divide the said income and appropriation among the school districts of the State including consolidated, united and incorporated districts or schools according to the number of teachers employed for at least one hundred and forty days during the previous school year.

OF THE SCHOOL FUND.

In order to entitle any school district to receive a share of said money so apportioned such district shall have raised by taxation, or subscription for school purposes during the previous school year, if a white school district, at least one hundred dollars for each teacher employed, and, if a colored school district, at least fifty dollars for each teacher employed.

Amount to be raised by taxation to entitle district to receive dividend.

Provided that the Trustee of the School Fund shall, at the time of making said apportionment apportion to any school district that shall on or before the twentieth day of August file with him a certificate of the County school Commission of the County in which such district is situated that an additional teacher or teachers are needed in such district and that such district is provided with suitable room or rooms for such teacher or teachers and has levied and assessed an additional tax in said district of, if a white school, one hundred dollars, and if a colored school fifty dollars for every such additional teacher so desired and intended to be employed for the next school year, an additional share or shares of the moneys apportioned, according to the number of additional teachers so to be employed. And provided further that no single, consolidated, united or incorporated school district or schools, shall under said apportionment receive more of the moneys so apportioned than one hundred and ten teachers employed as aforesaid would entitle it to.

Additional dividend, how secured.

Section 3. The said Trustee of the School Fund shall deduct and retain from the amount apportioned to any district or school the amount expended by him for text books for such district or school during the previous school year and shall also deduct and retain an amount equal to that which from the Auditors' settlement with such district or school made as aforesaid in that year appears to be in the hands of said district or school of the money received from the State and by taxation as aforesaid to entitle such district or school to its share of said State moneys, unexpended at the end of the year next preceding. In case any district or school having filed the certificate of the County School Commission and received an additional share or shares of the State moneys as hereinbefore provided for, shall fail to employ such teacher or teachers for which such money was apportioned for at least one hundred and forty days during the succeeding school year or in any case where a district or school shall not employ a teacher or teachers, for the said period of one hundred and forty days for the school year for which such districts or schools receive a share

Amounts to be deducted.

Duty of Trustee of School Fund upon failure to comply with provisions of this Act.

OF THE SCHOOL FUND.

of State moneys for such teacher or teachers not so employed, then and in either event the Trustee of the School Fund shall deduct and retain out of the apportionment of such district or school for the succeeding year a sum equal to that which such district or school obtained for or on account of such teacher or teachers that such district or school so failed to employ. Provided that should any district raise by taxation more money than that district is by this Act required to raise in order to entitle it to receive its apportionment of the School Fund, such amount that is in excess of the amount required by law to be raised by taxation as aforesaid, shall not be charged against or deducted from the share of such district or school, but the amount so in excess shall be retained by the district or school raising the same.

Each district
to make report
to Trustee of
School Fund.

Section 4. That each district or school shall within thirty days after this Act becomes a law report to the Trustee of the School Fund the number of teachers employed in such district or school, which reports shall be a record in the office of said Trustee of the School Fund of the number of teachers for which such districts or schools are entitled to State moneys, subject to the additions hereinbefore provided for.

Section 5. That all Acts or parts of Acts providing for special apportionments of the School Fund to certain districts or schools or a different apportionment from that hereinbefore provided for and all other Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved March 16, A. D. 1901.

OF FREE SCHOOLS.

CHAPTER 113.

OF FREE SCHOOLS.

AN ACT TO AMEND CHAPTER 67 OF VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT CONCERNING THE ESTABLISHMENT OF A GENERAL SYSTEM OF FREE PUBLIC SCHOOLS," BY CHANGING THE TERM OF CERTIFICATES OF TEACHERS AND ABOLISHING PROVISIONAL GRADE CERTIFICATES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 67 of Volume 21, Laws of Delaware, entitled "An Act concerning the establishment of a general system of Free Public Schools," be and the same is hereby amended as follows: By striking out the word "four" in the sixteenth line of Section 24 of said Chapter and inserting in lieu thereof the word "ten." Increase of terms of certificates.

By striking out the word "two" in the twelfth line of the second paragraph of said Section 24 of said Chapter and inserting in lieu thereof the word "five."

By striking out the word "one" in the eighth line of the third paragraph of said Section 24 of said Chapter and inserting in lieu thereof the word "two," and

By striking out all of the fourth paragraph of said Section 24 of said Chapter. Repeal of Provisional Certificates.

Approved March 28, A. D. 1901.

OF FREE SCHOOLS.

CHAPTER 114.

OF FREE SCHOOLS.

AN ACT TO AMEND CHAPTER 67 OF VOLUME 21, LAWS OF DELAWARE,
BY CHANGING THE DATE OF HOLDING THE STATED ANNUAL SCHOOL
MEETINGS IN KENT AND SUSSEX COUNTIES.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met:*

Making first
Saturday in
June date for
school elec-
tions through-
out the State.

Section 1. That Chapter 67 of Volume 21, Laws of Delaware, entitled "An Act concerning the establishment of a general system of Free Public Schools," be and the same is hereby amended by striking out in Section 14 thereof, the words "shall be held on the last Saturday in June except New Castle County when such meetings" in the second and third lines thereof.

Also by inserting in said Section 14 between the words "be" and "on" in the fourth line thereof the word "held."

Approved March 7, A. D. 1901.

OF FREE SCHOOLS.

CHAPTER 115.

OF FREE SCHOOLS.

AN ACT FOR THE IMPROVEMENT OF THE SCHOOL HOUSES FOR COLORED CHILDREN IN THIS STATE, AND MAKING AN APPROPRIATION THEREFOR.

WHEREAS, Many of the buildings now used by the colored people for school houses are unfit and inadequate for the purpose ; and

WHEREAS, The financial condition of the colored people is such that they cannot afford to build School Houses through taxation, solely as provided in the general school laws of the State ; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of six thousand dollars annually ^{Appropriation.} for two years is hereby appropriated from the State Treasury for the purpose of repairing, enlarging and building school houses for the colored children of this State, said amount to be equally divided amongst the three Counties of the State and to ^{How divided.} be under the control and direction of the County School Commission for each County.

Section 2. Each County School Commission shall decide, ^{Control of.} after conference with the school committees of the respective districts, upon the location of the school, or the nature and extent of repairs or enlargement that may be necessary, and before the commencement of the work shall determine the amount that is to be appropriated to that particular district; provided, that no amount shall be appropriated to any district from the fund herein provided for, unless the School Committee of the district shall raise a sum equal to at least one-half of the amount to be allowed by the County School Commission.

Section 3. That the amount herein appropriated shall be ^{How paid.} paid by the State Treasurer on orders drawn by the Presidents

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of the respective County School Commissions, attested by the Secretary of the Commission.

Approved March 7, A. D. 1901.

CHAPTER 116.

OF FREE SCHOOLS.

AN ACT TO AMEND CHAPTER 67 OF VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT CONCERNING THE ESTABLISHMENT OF A GENERAL SYSTEM OF FREE PUBLIC SCHOOLS," BY PROVIDING A DIFFERENT METHOD OF HOLDING THE DELAWARE COLORED TEACHERS' INSTITUTE AND INCREASING THE APPROPRIATION FOR THAT PURPOSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Increase of appropriation.

Section 1. That Chapter 67 of Volume 21, Laws of Delaware, entitled "An Act concerning the establishment of a General System of Free Public Schools," be and the same is hereby amended by inserting in the fifth paragraph of Section 25 of said Act between the words "hundred" and "dollars" in the third line thereof the word "fifty," also by inserting in the sixth paragraph of said Section 25 between the words "hundred" and "dollars" in the third line thereof the word "fifty."

Further amend said Section 25 of said Act by striking out all of the seventh paragraph thereof and inserting in lieu thereof the following:

Duty of Superintendent.

"It shall be the duty of said Superintendent to make all arrangements for said Institute and to be present at each day's session, and to do all in his power to inform the said colored teachers by his own advice and suggestions and by the advice

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and suggestions of professional educators whose services he can secure, of the most improved and advanced system of instruction and discipline."

Approved March 9, A. D. 1901.

CHAPTER 117.

OF FREE SCHOOLS.

AN ACT APPROPRIATING ONE HUNDRED DOLLARS TO DEFRAY THE EXPENSES OF HOLDING THE COLORED TEACHERS' INSTITUTE.

WHEREAS, The appropriation provided for in the General Appropriation Act for 1900, for expenses of holding the Colored Teachers' Institute, was not drawn from the Treasury, but was covered into the Treasury after the second Tuesday in January, 1901;

Now therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the sum of one hundred dollars be and Amount of. the same is hereby appropriated to defray the expenses of holding the Colored Teachers' Institute in this State, to be held in the year 1901.

And the State Treasurer is hereby authorized and directed How paid. to pay said sum to the County Superintendent of Schools of Kent County, for that purpose.

Approved February 25, A. D. 1901.

OF FREE SCHOOLS.

CHAPTER 118.

OF FREE SCHOOLS.

AN ACT AUTHORIZING THE COMMISSIONERS OF SCHOOL DISTRICT NO. 107 OF NEW CASTLE COUNTY, TO BORROW MONEY TO BUILD A NEW SCHOOL HOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

To borrow money.

Section 1. That the School Commissioners of School District No. 107 in New Castle County or their successors in office, be and they are hereby authorized, directed and empowered to borrow upon such terms and conditions as in their discretion they may think best the sum of one thousand dollars for the purpose of erecting and furnishing a school house for said district, and to secure the payment of the same with interest in annual instalments of one hundred dollars each.

To levy additional tax for repayment.

Section 2. That the said Commissioners and their successors in office are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payment and pay the same according to the condition upon which the said sum of one thousand dollars was borrowed, the same to be levied as other school money is levied in said district.

Surplus.
How applied.

Section 3. That the said Commissioners may apply whatever money is now in hand, or may accumulate above what is necessary to meet the current expenses of the school to the building fund.

How expended

Section 4. That the money borrowed under the authority and Section 1 of this Act shall be expended by the authority and under the supervision of the Commissioners of the said district, who shall present their accounts, together with their vouchers, to the school voters of said district at the annual meeting of said voters for settlement.

Approved March 9, A. D. 1901.

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CHAPTER 119.

OF FREE SCHOOLS.

AN ACT AUTHORIZING THE COMMISSIONER OF SCHOOL DISTRICT NO. 108 OF NEW CASTLE COUNTY TO BORROW MONEY TO BUILD A NEW SCHOOL HOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the School Commissioners of School District No. 108 in New Castle County or their successors in office, be and they are hereby authorized, directed and empowered to borrow upon such terms and conditions as in their discretion they may think best, the sum of one thousand dollars for the purpose of erecting and furnishing a school house for said district, and to secure the payment of the same with interest in annual instalments of one hundred dollars each. To borrow money.

Section 2. That the said Commissioners and their successors in office are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) that such sum of money as shall be necessary to meet said annual payment and pay the same according to the condition upon which said sum of one thousand dollars was borrowed, the same to be levied as other school money is levied in said district. To levy additional tax for repayment.

Section 3. That the said Commissioners may apply whatever money is now in hand, or may accumulate above what is necessary to meet the current expenses of the school, to the building fund. Surplus, how applied.

Section 4. That the money borrowed under the authority of Section 1 of this Act shall be expended by the authority and under the supervision of the Commissioners of the said district, who shall present their accounts, together with their vouchers, to the school voters of said district at the annual meeting of said voters for settlement. How expended.

Approved March 15, A. D. 1901.

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CHAPTER 120.

OF FREE SCHOOLS.

AN ACT AUTHORIZING THE COMMISSIONERS OF SCHOOL DISTRICT NO. 110, OF NEW CASTLE COUNTY, TO BORROW MONEY TO BUILD A NEW SCHOOL HOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

To borrow money.

Section 1. That the School Commissioners of School District No. 110, in New Castle County, or their successors in office, be and they are hereby authorized, directed and empowered to borrow upon such terms and conditions as in their discretion they may think best, the sum of one thousand dollars for the purpose of erecting and furnishing a school house for said district, and to secure the payment of the same with interest in annual instalments of one hundred dollars each.

To levy additional tax for repayment.

Section 2. That the said Commissioners and their successors in office are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payment and pay the same according to the condition upon which the said sum of one thousand dollars was borrowed, the same to be levied as other school money is levied in said district.

Surplus, how applied.

Section 3. That the said Commissioners may apply whatever money is now in hand, or may accumulate above what is necessary to meet the current expenses of the school, to the building fund.

How expended

Section 4. That the money borrowed under the authority of Section 1 of this Act shall be expended by the authority and under the supervision of the Commissioners of the said district, who shall present their accounts, together with their vouchers, to the school voters of said district at the annual meeting of said voters for settlement.

Approved March 15, A. D. 1901.

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CHAPTER 123.

OF FREE SCHOOLS.

AN ACT AUTHORIZING THE COMMISSIONERS OF SCHOOL DISTRICT NO. 112 OF NEW CASTLE COUNTY, TO BORROW MONEY TO BUILD A NEW SCHOOL HOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the School Commissioners of School District No. 112, in New Castle County, or their successors in office, ^{To borrow money.} be and they are hereby authorized, directed and empowered to borrow upon such terms and conditions as in their discretion they may think best, the sum of twelve hundred dollars for the purpose of erecting and furnishing a school house for said district, and to secure the payment of the same with interest in annual instalments of one hundred dollars each.

Section 2. That the said Commissioners and their successors ^{To levy additional tax for repayment.} in office are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payment and pay the same according to the condition upon which the said sum of twelve hundred dollars was borrowed, the same to be levied as other school money is levied in said district.

Section 3. That the said Commissioners may apply what- ^{Surplus, how applied.} ever money is now in hand, or may accumulate above what is necessary to meet the current expenses of the school, to the building fund.

Section 4. That the money borrowed under the authority of ^{Money borrowed, how expended.} Section 1 of this Act shall be expended by the authority and under the supervision of the Commissioners of the said district who shall present their accounts, together with their vouchers to the school voters of said district at the annual meeting of said voters for settlement.

Approved March 15, A. D. 1901.

OF FREE SCHOOLS.

CHAPTER 124.

OF FREE SCHOOLS.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF SCHOOL DISTRICT NO. 115 IN PENCADER HUNDRED, NEW CASTLE COUNTY, TO BORROW MONEY TO PAY FOR THE REPAIRING AND REMODELING OF THEIR SCHOOL HOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School Com-
missioners to
borrow money.

To give judg-
ment bond.

Date of bond.

Security for.

To levy a tax
for repayment.

Section 1. That George T. Williams, Edward Lambert and Julius King, Commissioners of School District No. 115, in Pencader Hundred, New Castle County, or the incumbents of said offices, on the first day of June, A. D. 1901, be and they are hereby authorized and empowered to negotiate a loan of five hundred dollars with which to pay for the repairing and remodeling of their school house in said district. The payment of said loan shall be secured by judgment bond, bearing interest at six per centum per annum, payable annually, and the said principal debt payable in five equal annual instalments of one hundred dollars each.

Section 2. The said judgment bond shall be dated the first day of June, A. D. 1901, and shall be executed by the clerk and commissioner holding office at that time in their official capacities. The faith and credit of the said school district are hereby expressly authorized to be pledged for the payment of said debt and interest.

Section 3. That for the purpose of providing for the payment of said loan according to its terms and conditions, the commissioners of said school district, or their successors in office, are hereby authorized, directed and required to levy and collect yearly from the taxable of said school district, in addition to the tax for carrying on a school directed to be levied at the stated meetings, the sum of one hundred dollars in each and every year, with interest on the whole principal loan or on any unpaid balance thereof, until the whole of said sum of five hundred dollars and

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all interest shall be paid. The same to be levied and collected as other school money is collected. The said additional yearly sum of principal and interest of said loan to be used for the purpose of paying off said loan, with its interest as the same becomes due and payable, according to the terms thereof.

Section 4. That this Act shall be deemed and taken to be a public act.

Approved March 15, A. D. 1901.

CHAPTER 125.

OF FREE SCHOOLS.

AN ACT TO AUTHORIZE "THE CLAYTON PUBLIC SCHOOLS" TO BORROW MONEY FOR BUILDING PURPOSES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein):

Section 1. That the Commissioners of "The Clayton Public Schools" and their successors in office are hereby authorized and empowered to borrow, at their discretion, a sum of money not to exceed fifteen hundred dollars, for the purpose of erecting and constructing a suitable annex or addition, to the school building, in School District Number 119, Kent County, for school purposes. And the said School Commissioners and their successors in office are hereby authorized, directed and empowered to secure the payment of the said sum of fifteen hundred dollars, or so much thereof as may be necessary for the purposes of this Act, together with the interest thereon; that for the purpose of securing to the loaner or loaners the payment of the money so borrowed under the provisions of this Act, the said School Commissioners and

Commissioners authorized to borrow money.

To secure payment therefor. How effected.

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their successors in office are hereby authorized, empowered and directed to make, execute and deliver the bond of "The Clayton Public Schools" with warrant of attorney for the confession of judgment thereon, and also a mortgage upon any or all real estate owned by the said "The Clayton Public Schools" at the time of the execution thereof, which bond and mortgage shall be signed by the President of the Board of Commissioners of "The Clayton Public Schools," and attested by the Secretary thereof, and shall be sealed by the seal of said "The Clayton Public Schools." Said bond and mortgage shall be made to become due and payable in annual installments of not more than one hundred and fifty dollars each, with the accrued interest on the whole sum unpaid and shall bear interest not exceeding the legal rate.

Surplus money
to be used in
payment of
debt.

Section 2. That the said Commissioners and their successors in office are hereby authorized and empowered to use any surplus money that may be belonging at any time to the said "The Clayton Public Schools," in the hands of the Commissioners aforesaid, at the time each of said installments becomes due, for the purpose of paying such installment and the interest thereon; and if such surplus shall be insufficient to pay the installment as aforesaid, then the Commissioners or their successors in office are hereby authorized and empowered to levy and collect, in addition to the tax for carrying on the schools and levied at the stated meeting such sum as shall be necessary to meet each and every deficiency.

How expended

Section 3. That the money borrowed under authority of Section 1 of this Act shall be expended by the authority and under the supervision of the Commissioners who shall present their accounts, together with vouchers, to the school voters at the annual meeting of said voters for settlement.

To be submit-
ted to vote of
school voters.

Section 4. That the said School Commissioners or their successors in office, after due notice has been given, shall submit this Act to the legal school voters in the district aforesaid, at any annual meeting thereof, and when a majority vote of the legal school voters present at said meeting has been given in its favor, then the said School Commissioners shall be fully authorized, directed and empowered to carry into effect the provisions of this Act.

Approved March 7, A. D. 1901.

OF FREE SCHOOLS.

CHAPTER 126.

OF FREE SCHOOLS.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND 'AN ACT ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE BOARD OF EDUCATION OF THE DOVER PUBLIC SCHOOLS,' PASSED AT DOVER, FEBRUARY 26, 1877," PASSED AT DOVER, MARCH 8, 1883" PASSED AT DOVER, MARCH 25, 1885, RELATIVE TO THE SUM TO BE RAISED BY TAXATION IN ANY ONE YEAR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House of the General Assembly):

Section 1. That the Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to Incorporate the Board of Education of the Dover Public Schools," passed at Dover, February 26, 1877," passed at Dover, March 8, 1883," passed at Dover, March 25, 1885, be and the same is hereby amended by striking out the words "four thousand" in the last line thereof, and inserting in lieu thereof the words "six thousand." Increase of amount to be raised by taxation.

Approved March 9, A. D. 1901.

OF FREE SCHOOLS.

CHAPTER 127.

OF FREE SCHOOLS.

AN ACT TO AMEND CHAPTER 433 OF VOLUME 20, LAWS OF DELAWARE, ENTITLED "AN ACT TO ESTABLISH A BOARD OF EDUCATION FOR THE TOWN OF FREDERICA AND TO INCORPORATE THE SAME AND FOR OTHER PURPOSES," BY AUTHORIZING THE SAID BOARD OF EDUCATION TO PROVIDE BETTER SCHOOL BUILDINGS AND TO BORROW MONEY AND ISSUE BONDS AND TO LEVY TAXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

Amendment to
Chapter 433,
Volume 20,
Laws of Dela-
ware.

Section 1. That Chapter 433 of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out all of Sections 8, 9, 10, 11, 12, 13, 14 and 15 thereof and inserting in lieu thereof the following:

To purchase
suitable site
for school
building.

"Section 8. That as soon as possible after the passage of this Act the said Board of Education shall select, acquire and purchase a suitable site of not less than one and not exceeding two acres of land for a location for a school house, taking title thereto in the corporate name of said Board of Education.

To repair or
build new
school house

Section 9. That in order to afford suitable facilities for the education of children in said Districts, the said Board of Education is hereby authorized, empowered and directed to either rebuild, repair and remodel such buildings as may be standing on the site which may be so acquired and purchased or build a new school house. In either case the said school building when completed shall contain at least four school rooms together with suitable halls, cloak rooms, etc., of suitable size, properly furnished, heated and ventilated. The said Board is also authorized to sell and dispose of, at either public or private sale, any and all personal or real property, such as school buildings, school furniture, etc., as it may possess, to the best possible advantage and to apply the proceeds arising therefrom towards the cost of erecting and furnishing such new school house. The cost of rebuilding or re-

OF FREE SCHOOLS.

modeling of such school house or the building of such new school house shall not exceed the sum of four thousand dollars.

Section 10. That in order to carry out the provisions of this Powers of.
 Act the said Board of Education shall have full power and au-
 thority to issue bonds to an amount not exceeding five thousand To issue bonds
 dollars, bearing interest at a rate not exceeding six per centum
 per annum. Said bonds shall be of the denomination of one hun- Denomination
 dred dollars each and shall be numbered consecutively from one of.
 to fifty inclusive. Said bonds shall be payable and redeemable How redeemed
 as follows, viz.: Two of said bonds being the lowest in number
 shall become due and payable at the end of one year from the
 date thereof, and two other of said bonds lowest in number of the
 remaining bonds shall become due and payable at the end of two
 years from their date, and so in that manner until all of said bonds
 are redeemed. Provided that said Board of Education may on
 any of the dates at which any of said bonds may become due and
 payable pay all or any of said bonds. The bonds lowest in num-
 ber being always redeemed in preference to those of higher num-
 ber.

Said bonds may be in the following form:

No. ————— \$100.00. Form of bond.

Bond of the Board of Education of the Frederica Public
 Schools.

The Board of Education of the Frederica Public Schools in
 Kent County, Delaware, is held and firmly bound unto the bearer
 in the sum of one hundred dollars, lawful money of the United
 States of America, which it binds itself to pay to the bearer on
 the day of A. D. , with interest
 from date at the rate of per centum, payable at the
 office of the Treasurer of the Board.

The said interest to be paid annually from the date hereof.

The said Board of Education of the Frederica Public Schools
 reserves the right to redeem this bond on any of the dates at
 which said interest shall fall due, without notice.

Dated at Frederica the day of A. D.

Witness the seal of said Board of Education and the hands
 of its President, Secretary and Treasurer.

President.

(Corporate seal.)

Secretary.

Treasurer.

OF FREE SCHOOLS.

- Coupons to be attached.** The said bonds shall have coupons attached for the payment of interest numbered to correspond with the bonds and signed by the Treasurer of the Board of Education aforesaid. The said
- How signed.** Bonds shall be signed by the President, Secretary and Treasurer of said Board and shall have the seal of the corporation affixed.
- Security for.** The faith of the said Board of Education of the Frederica Public Schools and of the Districts embraced therein, is hereby pledged for the payment of the principal and interest of said bonds.
- To levy additional tax for interest, and principal when due.** Section 11. That the said Board of Education is hereby authorized, empowered and required to annually levy and collect an additional tax, at the same time that the tax is levied for other school purposes, in said Districts, which shall be sufficient to pay the annual interest on said bonds, and also to redeem the bonds falling due under the provisions of Section 9 or which at the option of the said Board may be called and declared to be due under the provisions of said Section.
- Surplus, how expended.** Section 12. That for the purpose of enabling said Board to pay the interest and principal of said bonds, it shall also be lawful for the said Board of Education to retain in hand any amount of money which it shall raise by taxes and which is unexpended at the time of the settlement with the Auditor of Accounts in the months of January and August, including moneys required by law to be raised by taxation in order to entitle such Districts to receive the school dividend from the State, and such money so remaining in hand shall not be deducted from the share of dividend or school fund to which such school is entitled for the school year succeeding such settlement.
- Sale of bonds, how negotiated** That the President, Secretary and Treasurer of the said Board of Education are hereby authorized and directed to negotiate the sale of the bonds to be issued under this Act, and with the least possible delay after they shall have received the same, and shall receive a compensation or not at the discretion of the said Board. The said bonds shall not be sold for less than their par value.
- Bonds to be registered.** The Treasurer shall procure a suitable book, and before delivering the bonds, shall register therein the name of each purchaser together with the number of bonds purchased in regular numerical order
- Board of Education authorized to draw dividends.** That the said Board of Education shall have the right to draw the dividends from time to time which the said United or Incor-

OF FREE SCHOOLS.

porated Districts Nos. 32, 75, 76 and 78 in Kent County shall be entitled to as their part of the State School fund, by an order signed by the President and attested by the Secretary, and that commencing with the year A. D. 1901, and annually thereafter, the said Board of Education shall be empowered to levy and collect in said United Districts for general school purposes by taxation, such a sum as in the judgment of said board may be necessary.

Section 13. That the said Board shall hold stated meetings Meetings of Board. once every month and special meetings when required by the President or a majority of the members, and it shall, on or before the Monday next preceding the last Saturday in June each year cause to be made out and hung up in some public place in the town of Frederica a statement of the receipts and expenditures during Statement of receipts and expenditures to be made yearly. the year, showing the sources from which the receipts have been obtained and the objects for which they were expended. The Treasurer of the said Board shall annually settle the accounts of the said Board with the Auditor of Accounts.

Approved February 18, A. D. 1901.

OF FREE SCHOOLS

CHAPTER 128.

OF FREE SCHOOLS.

AN ACT EMPOWERING SCHOOL DISTRICT NUMBER 21 OF KENT COUNTY TO TAX FOR SCHOOL PURPOSES THE PROPERTY OF THE ALMSHOUSE OF KENT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Property of
Almshouse of
Kent Co. to be
assessed for
school pur-
poses.

Section 1. That from and after this Act becomes a law it shall be lawful for School District No. 21, in Kent County, to assess and levy school tax upon the property, both real and personal, of Kent County, used for the purpose of the Almshouse of Kent County, and kept on the farm of said Almshouse, the same as other property in said School District. Such tax so assessed and levied on said property shall be collected as other school taxes are now collected in said district.

Approved March 22, A. D. 1901.

OF FREE SCHOOLS.

CHAPTER 129.

OF FREE SCHOOLS

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF UNITED SCHOOL DISTRICTS NOS. 113 AND 113½ TO BORROW MONEY TO REPAIR, REBUILD, ENLARGE OR REMODEL THEIR SCHOOL HOUSE, OR OTHERWISE PROVIDE FOR A BETTER AND MORE SUITABLE SITE OR MORE COMMODIOUS SCHOOL FACILITIES IN AND FOR SAID DISTRICT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Abram N. Brown, John H. Berry and Carroll S. Fisher, Commissioners of United School Districts Nos. 113 and 113½, in Kent County, or the incumbents of said offices, be and they are hereby authorized and empowered to negotiate a loan not to exceed three thousand dollars with which to pay for the repairing, rebuilding, enlarging or remodeling of their school house or otherwise to provide for a better or more suitable site and the erection of a school building on such new site, or the repair, rebuilding, or remodeling of any building that may be located on such new site in and for said districts. If in the judgment of said Commissioners they deem it more advantageous and to the best interests of the taxpayers in said districts they are further empowered to sell the present school property in said districts and to apply the amount derived therefrom in providing a new and other school site and for erecting a new school building on such new school site or for repairing the building and remodeling any building that may be located on such new site.

Special Commissioners authorized to borrow money for rebuilding school house.

May sell present property.

May erect new building.

The payment of said loan shall be secured by judgment bonds bearing interest at the rate of not exceeding five per centum per annum, and the said principal debt shall be payable in equal annual instalments of three hundred dollars each.

Security for loan.

Section 2. The said judgment bonds shall be executed by the Clerk and Commissioners holding offices at that time in their

Judgment bond, how executed.

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official capacities. The faith and credit of the said school districts are hereby expressly authorized to be pledged for the same of the said debt and interest.

Section 3. This Act shall be deemed and taken to be a public Act.

Approved March 23, A. D. 1901.

CHAPTER 130.

OF FREE SCHOOLS.

AN ACT INCORPORATING THE SCHOOL COMMITTEE OF SCHOOL DISTRICT NO. 135 IN KENT COUNTY, BY THE NAME OF THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 135 IN SMYRNA.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all members elected to each House):

Board of Education created.

Section 1. That School District No. 135, in Kent County, shall be governed by a Board of Education to be chosen as hereinafter provided.

Property, money and debts to be transferred to Board of Education created by this Act.

Section 2. That all the property, real and personal, and all moneys and debts due, and deposited to the credit of the said School District No. 135, in Kent County, are hereby declared to be the property, moneys and debts of the district created by this Act.

Name of.

Section 3. That the Board of Education of the School District created by this Act (to be selected and chosen as hereinafter provided), and their successors, are hereby made a body politic and corporate by the name of "The Board of Education of School District No. 135 in Smyrna," and by that name shall

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have perpetual succession, may sue and be sued, implead and Powers of.
 be impleaded in any court of law or equity in this State, may
 appoint a Collector of Taxes and require him to give bond; se-
 lect teacher or teachers, and all other officers and agents they
 may deem proper; and to make rules and regulations for the
 conduct of the same, and for the pupils of the said district; may
 raise by taxation, without regard to a vote of the general school
 voters, a sum not exceeding one hundred and fifty dollars in any
 one year; may draw the State dividends; and generally shall have
 all the rights and powers, and be subject to all the penalties and
 liabilities prescribed by the general school law of this State con-
 cerning school committees of single districts.

Section 4. The present members of the School Committee Present mem-
bers to serve
until expira-
tion of term of
office.
 of the school district mentioned in Section 1, of this Act, shall
 be members of the Board of Education for the district created
 by this Act, or until the expiration of the terms for which they
 were respectively elected as Commissioners at the last preced-
 ing school election in said district, or until their successors are
 duly chosen and qualified. The said Board of Education shall Board of Edu-
cation, how
composed.
 be composed of three (3) members, one (1) of whom shall be
 voted for and elected at each annual school election, and shall
 hold office for the term of three years, or until their successors
 are duly chosen and qualified. The time, manner and place of
 holding school elections, notice of the same, qualifications for
 voting at, and penalties for illegal voting to be, as is now or
 hereafter may be provided for by the general school law of this
 State for single districts.

Section 5. The said Board of Education shall hold a meet- Annual meet-
ing.
 ing annually on the Monday following the day of the last pre-
 ceding school election and shall organize for the year by elect-
 ing a President and Secretary and such other officers as they
 shall deem proper. The first stated meeting of the Board of First meeting.
 Education hereby created shall be held on the Monday follow-
 ing the last Saturday in June, in the year nineteen hundred and
 one, at seven o'clock P. M., at the school house now being in
 said district. They shall hold monthly stated meetings and spe-
 cial meetings at the call of the President or a majority of the
 Board.

Before transacting any business at any annual meeting, all New members
to be qualified.
 the newly elected members present shall be sworn or affirmed

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Quorum. to faithfully perform their duties as members of said Board. Any member may administer such oath or affirmation. A majority of the members shall constitute a quorum for the transaction of business, but a lesser number may adjourn until a quorum is secured. A vacancy may be filled by the Board at any of its meetings for the residue of the term. Absence of any member for three successive meetings of the Board without a sufficient excuse may, at the option of said Board, be declared a vacancy and filled as aforesaid. In case of a tie vote, the presiding officer shall have an additional vote.

Taxes unpaid to be collected by board created by this Act.

Section 6. All taxes due the district mentioned in Section 1 of this Act, at the time the provisions of this Act shall go into effect, may be collected by the Board of Education hereby created.

Section 7. The provisions of this Act shall not go into effect until the last Saturday in June in the year nineteen hundred and one.

Section 8. That this Act shall be deemed and taken to be a public Act.

Approved March 9, A. D. 1901.

OF FREE SCHOOLS.

CHAPTER 131.

OF FREE SCHOOLS.

AN ACT TO AMEND CHAPTER 440 OF VOLUME 20, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCREASE THE SCHOOL FUND FOR THE UNITED SCHOOL DISTRICTS OF LAUREL AND VICINITY," BY INCREASING THE AMOUNT THAT MAY BE RAISED BY TAXATION FOR SCHOOL PURPOSES, IN SAID DISTRICTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 440 of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out the words "two hundred and fifty" in lines three and four of Section 1 of said Chapter and inserting in lieu thereof the words "five hundred." INCREASE of amount to be raised by taxation.

Approved April 3, A. D. 1901.

OF FREE SCHOOLS.

CHAPTER 132.

OF FREE SCHOOLS.

AN ACT TO MAKE VALID CERTAIN ACTS OF THE COMMISSIONERS OF CONSOLIDATED DISTRICTS NOS. 26 AND 227, SUSSEX COUNTY.

Whereas, The County Board of Education, in and for Sussex County, by their command, caused Districts Nos. 26 and 227, Sussex County, to erect a new school building; and

Whereas, A Statute, unrepealed, prohibits school districts in this State from raising more than \$300.00 in any one year, by taxation, for the purpose of paying for school buildings; and

Whereas, Timothy E. Townsend, William T. Melson and Peter E. Moore, Commissioners of said Districts Nos. 26 and 227, Sussex County, did negotiate a loan of eight hundred and fifty dollars (\$850.00) to pay for the school building recently erected in compliance with the edict of the said County School Commissioners.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Security for
loan.

Section 1. That the payment of said loan shall be secured by judgment bonds bearing interest at six per centum per annum, payable annually, and the principal debt payable in eight annual instalments.

Bonds, how
executed.

Section 2. That the said bonds shall be dated November 1, 1900, and shall be executed by the Clerk and the Commissioners in their official capacity. The faith and the credit of the said school districts are hereby expressly authorized to be pledged for the payment of the said debt and interest.

Section 3. This shall be deemed and taken as a public Act.

Approved March 9, A. D. 1901.

OF REFORM SCHOOLS

CHAPTER 133.

OF REFORM SCHOOLS.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO INCORPORATE THE FERRIS REFORM SCHOOL."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring):

Section 1. That the Act entitled "An Act to incorporate the Ferris Reform School," passed at Dover March 10, 1885, be and the same is hereby amended by adding to the end of Section 5 of the said Act the following:

"The Court of General Sessions of the State of Delaware, sitting in and for Kent County, and also in and for Sussex County, shall have power to commit to the custody of the said Board any boy between the age of nine and sixteen years who may be convicted in the said Court of any criminal offense; it shall be the duty of the said Board to receive every boy so committed, unless the offense be that of homicide, arson or rape. The County Treasurer of the county from which any boy is so committed, shall pay annually on the first day of July after such commitment, to the treasurer of the said Board, at the rate of one hundred dollars for each boy so committed so long as he shall remain in charge of the said Board; and the Levy Court of such county shall provide the money for such payment."

Court of General Sessions to have power of commitment.

Duty of Board.

County Treasurer to pay sum of \$100 in each case.

Levy Court to provide money for same.

"The said Board in its discretion shall have power to discharge finally any boy in their custody, after he shall have attained the age of eighteen years; if the Board shall determine such discharge to be for the best interests of the boy, or of the school. After such discharge the said Board shall be relieved of all liability for any boy so discharged."

Power of discharge to be vested in Board.

Section 2. That the Act to amend the said Act, approved May 20, A. D. 1898, be amended by striking out of what is designated Section 8 in the said Act, the following words: "Pro-

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vided the sum so appropriated shall not exceed the sum of five thousand dollars for any one year."

Approved March 2, A. D. 1901.

CHAPTER 134.

OF REFORM SCHOOLS.

AN ACT TO AMEND CHAPTER 239, VOLUME 21, LAWS OF DELAWARE, ENTITLED AN ACT TO AMEND CHAPTER 449, VOLUME 20, LAWS OF DELAWARE, ENTITLED AN ACT TO AMEND CHAPTER 637, VOLUME 19, LAWS OF DELAWARE, ENTITLED AN ACT TO INCORPORATE THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring therein) :

Increase of
allowance.

Section 1. That Section 1 of Chapter 239, Volume 21, Laws of Delaware, entitled an Act to amend Chapter 449, Volume 20, Laws of Delaware, entitled an Act to amend Chapter 637, Volume 19, Laws of Delaware, entitled an Act to incorporate the Delaware Industrial School for Girls, approved by the Governor March 16, A. D. 1899, be and the same is hereby amended by striking out the words "twenty-five hundred" in the seventh line of said Section and inserting in lieu thereof the words "three thousand."

Section 2. That this Act shall be deemed and taken to be a public Act.

Approved March 9, A. D. 1901.

OF INFECTIOUS DISEASES.

CHAPTER 135.

OF INFECTIOUS DISEASES.

AN ACT TO AMEND CHAPTER 240, VOLUME 21, LAWS OF DELAWARE, ENTITLED AN ACT TO PREVENT THE SPREAD OF DISEASE AND TO ESTABLISH A PATHOLOGICAL AND BACTERIOLOGICAL LABORATORY FOR SUCH PURPOSES AT DELAWARE COLLEGE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 3 of Chapter 240, Volume 21, Laws of Delaware, entitled An Act to prevent the spread of disease and to establish a Pathological and Bacteriological Laboratory for such purposes at Delaware College, be and the same is hereby amended by adding thereto the following: "Provided, however, that this shall not be so construed as to interrupt or limit the power in the full control and management of the Laboratory of the State Board of Health." Limitation of power.

Section 2. That the Chapter aforesaid be further amended in the sixth Section thereof, by striking out all between the word "sum" in the first line and the word "and" in the third line thereof, and inserting in lieu thereof the words "of \$2500 annually shall be appropriated for the salary of the Bacteriologist and all the other expenses of the said Laboratory." Increase of allowance.

Section 3. That said Chapter 240, Volume 21, Laws of Delaware, be and the same is hereby further amended by adding to the said Chapter a new Section, as follows to wit:

"Section 8. That it shall be and is hereby made the duty of the said Pathologist and Bacteriologist, whenever requested by the Attorney General, to make any and all examinations of any person or persons, or any organ or organs, or any part or parts of any person or persons, with the view of determining the cause or causes of death and make a prompt report without charge to the State or any County thereof." Duty of Pathologist and Bacteriologist at request of Attorney General

Approved February 25, A. D. 1901.

OF FREE PUBLIC LIBRARIES.

CHAPTER 136.

OF FREE PUBLIC LIBRARIES.

AN ACT PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF
FREE PUBLIC LIBRARIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of the members elected to each House concurring therein):

Creation of
State Library
Commission.

How composed

Term of office.

Vacancies.

Organization
of Commission

State Librarian,
Secretary of.

No salary for
member.

State Treasurer to pay
contingent expenses of postage,
&c.

Duties of.

Section 1. That as soon as may be after the adoption of this Act, there shall be created and established a board to be known as "The State Library Commission for the State of Delaware." Said Commission shall be composed of nine persons to be appointed by the Governor, who shall respectively hold office for the term of five years or until their successors are duly chosen; provided, that in the first Commission created under this Act, the Governor shall appoint three members for the term of one year, three members for the term of three years, and three members for the term of five years. All vacancies on said Commission, whether occurring by expiration of term, or otherwise, shall be filled by the Governor. No person shall be ineligible by reason of sex to serve on the Commission.

Section 2. The said Commission shall organize by the selection from its members of a chairman and such other officers as are or may be deemed advisable; provided, that the State Librarian shall, by virtue of his office, be the Secretary of said Commission, but shall have no vote or voice in the acts and proceedings of said Commission. No member shall receive any salary or compensation for his services as such Commissioner; but the State Treasurer shall, and he is hereby authorized and directed, to pay to the Chairman of said Commission, out of any funds in his hands, all reasonable and proper bills for printing, postage and stationery incurred by said Commission.

Section 3. The said Commission shall have general supervision over all libraries in this State established or maintained under the provisions of this Act; and shall have the supervision

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and control of all circulating libraries now, or hereafter to be, established under the provisions of Chapter 220, of Volume 21, of the Laws of Delaware; shall have power to require of any and all Town Library Commissions created as hereinafter provided such reports as are or may be deemed proper; shall make certificate to the State Treasurer when any library is entitled to State aid, as is hereinafter provided; and shall have all further and other powers necessary and proper for the general supervision of the libraries aforesaid. The said State Library Commission shall have power to make all rules and by-laws for its own government. The said Commission shall, in the month of January in each year in which there is a regular bi-ennial session of the General Assembly of this State, make report to said General Assembly of its doings and of any recommendations deemed advisable. Make biennial report.

Section 4. Any incorporated city or town in this State may receive in its corporate capacity and hold any devise, bequest or donation for the foundation and establishment or for the maintenance, support and increase of a free public library within same. Incorporated cities or towns may receive bequests, &c.

Section 5. Any incorporated city or town in this State is hereby authorized and empowered to establish and maintain a free public library, with or without reading rooms within the same, for the use of the inhabitants thereof; provided, that at any town election held as hereinafter provided, a majority of the qualified electors of said town, then present and voting, shall vote in favor of such establishment. May establish free public library. Conditions of.

Section 6. For the purpose of this Act, all incorporated cities or towns in this State shall be divided into three classes, namely: all towns the assessed value of whose real estate shall be not less than one million five hundred thousand dollars, shall be deemed and taken to be towns of the first class; all towns the assessed value of whose real estate be less than one million five hundred thousand dollars and not less than two hundred and fifty thousand dollars, shall be deemed and taken to be towns of the second class; and all towns the assessed value of whose real estate shall be less than two hundred and fifty thousand dollars shall be deemed and taken to be towns of the third class. Cities and towns divided into three classes for purposes of this Act.

Section 7. The Town Council of any incorporated city or town in this State shall, when petitioned so to do by at least twenty-five qualified electors in said town thirty days at least Duty of town council.

OF FREE PUBLIC LIBRARIES.

before the next succeeding regular town election, submit the question as to the establishment of a free public library in said town to the qualified electors thereof at a special election to be held on the day next following the ensuing regular town election not being Sunday or a legal holiday.

Vote to be by
ballot.

Form of ques-
tion to be
voted on.

Qualification
of voters.

Section 8. The vote on the question as to the establishment of a free public library, when submitted as aforesaid, shall be by ballot, upon which shall be printed or written either the words "for a free library," or the words "against a free library." A majority of the ballots cast legally at said election shall determine the question. All persons entitled to vote at the regular town election next before such special election, shall be entitled to vote on such question; and, in addition, all female persons over the age of twenty-one years, who for the three months next preceding any such election have resided in the town, and who have paid a town tax therein for the year next preceding such election, shall be entitled to vote at said election upon the question as to the establishment of a free library, and thereafter, at any town election at which members of the Town Library Commission shall be elected, as hereinafter provided, all female persons over the age of twenty-one years who for the three months next preceding said election have resided in said town and have paid a town tax therein for the year next preceding said election, shall, in addition to all other persons entitled to vote at said town election, be entitled to vote at said election for the members of said Town Library Commission; but such female persons shall vote upon no other questions and for no other officials at any town elections, except as they now are, or hereafter may be, authorized so to do by particular charter or general law. The term "qualified electors" wherever used in this Act shall be deemed to embrace and include such female persons.

Place, time
and conduct of
election.

Notice or pub-
lication of
election.

In all other respects the place of voting, and the conduct of the election, counting of ballots, certifying results and the like, shall be as now are, or hereafter may be, provided by law for the regular town election in the town wherein such question is submitted. Provided, that the Town Council, upon being petitioned to submit the question of the establishment of a free library as hereinbefore provided, shall give notice of such submission by printed advertisements posted in five public places in said town at least ten days before the election, and, if any newspaper be published in said town, by advertisement printed in two issues

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in one or more newspapers published in said town. The said advertisements shall state the question to be submitted as hereinbefore provided, and the time and place of voting upon such question. In case any Town Council shall neglect or refuse to give such notice, any qualified elector may do so, and the notice so given shall be as effectual as though given by said Town Council.

Section 9. If a majority of the ballots cast as aforesaid shall be against the establishment of a free library, the question as to such establishment may again be submitted at special elections to be held on the day next following any regular town election thereafter ensuing (not being Sunday or a legal holiday) as often as petitions therefor shall be presented to the Town Council as hereinbefore provided. Subsequent elections.

Section 10. If at any election the qualified electors shall, in the manner aforesaid, declare in favor of the establishment of a free public library in said town or city, then the Town Council thereof shall, and it is hereby authorized, empowered and directed to levy and raise by taxation for the purpose of the establishment of a free public library therein, and also for the maintenance, increase and support of said library so established for the year then next ensuing, a sum as follows, namely: if such town shall, by the assessment of its real estate for the year next preceding such election, be of the first class, then the Town Council thereof shall levy and raise by taxation for the purposes aforesaid, a sum not less than a sum equal to one-eighth of a mill nor more than one-half a mill for each dollar of the assessed value of its real estate for the year then next preceding; and if such town shall, by the assessment of its real estate for the year next preceding such election, be either of the second or third class, then the Town Council thereof shall levy and raise by taxation for the purposes aforesaid, a sum not less than a sum equal to one-quarter of a mill nor more than one mill for each dollar of the assessed value of its real estate for the year then next preceding; provided, that in no event shall any town of the second class levy and raise by taxation for the purposes aforesaid a sum less than one hundred dollars; and provided further, that no town of the third class shall levy and raise by taxation for the purposes aforesaid a sum less than fifty dollars. And annually thereafter said Town Council shall levy and raise by taxation for the maintenance, increase and support of said library for the Town Council to levy tax for when approved of. Rate of taxation

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year then next ensuing, a sum as follows, namely: if such town shall, by the assessment of its real estate for the year next preceding, be of the first class, then the Town Council thereof shall levy and raise by taxation for the purposes last aforesaid, a sum not less than a sum equal to one-eighth of a mill, nor more than one-half a mill for each dollar of the assessed value of its real estate for the year then next preceding; and if such town shall, by the assessment of its real estate for the year next preceding, be either of the second or third class, then the Town Council thereof shall levy and raise by taxation for the purposes aforesaid, a sum not less than a sum equal to one-quarter of a mill, nor more than one mill for each dollar of the assessed value of its real estate for the year then next preceding; provided, that in no event shall any town of the second class levy and raise by taxation for the purposes aforesaid a sum less than one hundred dollars; and provided further, that no town of the third class shall levy or raise by taxation for the purposes aforesaid a sum less than fifty dollars.

Taxes, how
levied and col-
lected-

Said taxes shall be levied and collected as other taxes in said town are, and shall be assessed on the head and on property; and shall, if the Town Council deem necessary, be in excess of and in addition to the sums or amounts authorized to be raised in said towns by taxation.

Town library
commission.

Section 11. Every incorporated city or town in this State which shall establish a free public library pursuant to the provisions of this Act, shall, annually thereafter, at an election held on the day next following the regular election (not being Sunday or a legal holiday) elect members of a Town Library Commission. Said Town Library Commission shall be composed of

How composed

Terms of mem-
bers of.

nine members, who shall hold office for the term of three years, or until their successors are duly chosen and qualified; provided, that at the first election of said Commission next succeeding the establishment of a free public library as aforesaid, three members of said Commission shall be elected for the term of one year, three for a term of two years, and three for a term of three years, or until their successors are respectively chosen and qualified, and annually thereafter three members of said Commission shall be elected for the term of three years; provided further, that the Town Council in any town wherein the question as to the establishment of a free public library has been submitted and carried in favor of such establishment, as herein-

First Commis-
sion, how
elected.

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before provided, shall, as soon as may be after the decision upon such question has been ascertained, elect nine persons, not members of said Town Council, to compose the first Town Library Commission to act until their successors have been elected by the qualified electors of said town as aforesaid.

No person shall be ineligible to serve on said Commission Qualification of members. by reason of sex. The election of the members of said Commission at any town election shall be by ballot, by the qualified electors of said town, and in all other respects except as to the day of election, be conducted as is the election of regular town officials.

Section 12. The first meeting of the Town Library Commission shall be on the evening of the Tuesday next succeeding the election of its members. The Commission shall organize by First meeting of town library commission. electing from its members a chairman and secretary. The Organization of. Town Treasurer shall be the treasurer of said Commission, and Treasurer of. shall be subject to all orders of said Commission relative to moneys in his hands of which the said Commission has custody, as provided in this Act, and out of said moneys shall pay all bills directed to be paid by said Commission. The official bond of Bond of. said Town Treasurer shall be held and deemed to cover and include all such moneys and the due and proper accounting therefor. A vacancy in said Commission caused by refusal to act, death, resignation, or otherwise, shall be filled by said Commission until the regular town election next succeeding. A failure to attend three meetings of said Commission in succession shall, in the option of said Commission, be deemed a vacancy.

Section 13. The Town Library Commission so elected as Powers of town library commission aforesaid shall have the entire custody and management of the library and all property owned or leased, or donated, relating thereto, and all money raised by the town, or donated for its establishment and maintenance, or paid by the State Treasurer, as hereinafter provided, shall be placed in the care and custody of said Commission to be expended, or retained by said Commission for and in behalf of the town for the foundation and establishment and for the maintenance and increase of its free public library.

The Commission shall make an explicit report to the town Town library commission to make annual report to town. at each annual town meeting of all its receipts and expenditures, and of all the property of the town in its care and custody, in-

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cluding a statement of any unexpended balance of money, and of any bequests or donations in behalf of the town, and of any sum or sums received from the State as hereinafter provided, with such recommendations with reference to same as is deemed necessary for the town to consider.

Recommendation of amount of money necessary.

The said Commission shall also make report and recommendation concerning the amount of money deemed necessary and proper by said Commission to be raised by taxation for any one year for said library, to the Town Council after the selection of said Commission as aforesaid and prior to the fixing of the rate of taxation for said purpose by said Town Council.

To make reports to State Library Commission.

The said Town Library Commission shall also make such reports, at such times and embracing such matters, to the State Library Commission created by this Act as the said State Library Commission shall order and direct.

Power of to procure room for said library.

The said Town Library Commission shall also have the power to procure by purchase, lease or acceptance of a gift or donation, a room or rooms for said library, and to fit and furnish the same for a library, or a library and reading room, to provide for the heat and light in the same, and the care thereof; to purchase or accept donations or gifts of books, magazines, newspapers and reviews; to employ a librarian or librarians and a custodian and care taker, and shall have such further and additional powers in the premises as are or may be deemed necessary for the foundation and establishment, and the support and maintenance of a library, or a library and reading room.

To employ a librarian.

To make rules.

The said Commission shall also have the power to make such rules and regulations for the conduct of the persons employed by it, and for the care and use of the books, newspapers, magazines and reviews in said library by the inhabitants of said town, or other persons having authority to use said library, and also concerning the conduct and deportment of all persons while in or about said library or library and reading room; as said Commission shall or may from time to time deem proper and advisable; provided, no fee for the use of said library or library and reading room, or the contents thereof, shall be charged to any inhabitant of said town, or to any person not an inhabitant thereof, who owns assessable real estate in said town. The rules and regulations so made by said Commission shall be enforceable by a penalty which the Commission is hereby authorized to impose;

Penalty for infraction of rules.

OF FREE PUBLIC LIBRARIES.

such penalty shall consist either of a suspension for a limited period, not exceeding six months, from the privileges of said library or library and reading room and the contents thereof, or by a money fine. All money fines imposed as aforesaid may be collected by proceedings instituted in the corporate name of the town before the alderman of any such town or any justice of the peace residing therein, and jurisdiction to hear and finally determine all such proceedings is hereby expressly conferred upon any and all such aldermen or resident justices of the peace. The process, mode of proceeding and rendering of judgment shall be as now is, or hereafter may be, provided by law for the collection of fines imposed by the ordinances as prescribed in the charter of such town.

Fines, how collected.

All fines so collected shall be paid to the town and by it paid over to the Town Library Commission to be used as other money of which it has the custody and care as hereinbefore provided.

Fines to whom paid.

Section 14. In addition to its other powers, the Town Library Commission may, if it deem proper, permit persons resident in the county or counties in which such town is situated, but living without the corporate limits of said town, or not owning assessable real estate in said town, to enjoy and use said library or library and reading room exactly as inhabitants of said town, upon the payment to said Commission for the use of the library such fee or fees as said Commission shall deem proper.

Additional powers.

Section 15. Whenever the State Library Commission shall certify to the State Treasurer of the State of Delaware that any incorporated city or town in this State has established a free public library therein and has raised by taxation, gift or otherwise a sum not less than the sum required to be levied and raised by taxation in Section 10 of this Act, for the support and maintenance of said library for the year then next ensuing, that then the State Treasurer shall, and he is hereby authorized, empowered and directed to pay to said Town Library Commission of said town, out of any funds then being in his hands as such Treasurer, the sum of one hundred dollars for the use of said library; and annually thereafter, upon the certificates of the said State Library Commission, that the town in which a free public library has been established theretofore as aforesaid, has raised

Appropriation by State.

Conditions of.

Amount of.

OF THE PUBLIC HEALTH.

by taxation, gift or otherwise a sum not less than the sum required to be levied and raised by taxation in Section 9 of this Act, for the maintenance, increase and support of said library in the year then next ensuing, the State Treasurer shall, and he is hereby authorized and directed to pay to the Town Library Commission of said town, out of any funds then in his hands as said Treasurer, one hundred dollars for the use of said library.

Section 16. That the provisions of this Act shall not apply to nor effect in anywise the City of Wilmington.

Approved March 9, A. D. 1901.

CHAPTER 137.

OF BARBERS.

AN ACT RELATING TO THE TRADE OF BARBERS IN THE CITY OF WILMINGTON, DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Board of Barber Examiners. How appointed.

Terms of office

Vacancy, how filled.

Section 1. That a Board of Examiners, to consist of three reputable barbers, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of said Board shall be appointed by the Governor, who shall select them from the barbers residing in the City of Wilmington, Delaware. The term for which the members of said Board shall hold their office shall be for three years (except that two members of the board first to be appointed under this Act, shall be designated by the Governor to hold their office for the term of one and two years respectively), unless sooner removed by the Governor, and until their successors shall be duly appointed in case of vacancy occurring in said board, such vacancy shall be

OF BARBERS.

filled in like manner by the Governor. Each member of said board shall enter into a bond to the State of Delaware with one or more sureties to be approved by any Judge of any Court of this State, in the penal sum of five hundred dollars (\$500.00), conditioned for the faithful performance of his official duties; said bond shall be filed in the office of the Secretary of State, and before entering upon his duties each member shall be duly sworn or affirmed to faithfully and impartially perform the duties of his office.

Bond of.

To be filed in office of Secretary of State.

Section 2. The said board shall choose one of its members President, one Secretary and one Treasurer thereof. It shall fix the time and place of meeting or meetings. A majority of said board shall at all times constitute a quorum and the proceedings thereof shall at all reasonable times be open to a reasonable inspection. The board shall also make an annual report of its proceedings to the Governor. It shall have power to adopt reasonable rules and regulations, prescribing the sanitary requirements of a barber shop subject to the approval of the Board of Health of the city of Wilmington, and to cause the rules and regulations so approved to be printed in suitable form and to transmit a copy thereof to the proprietor of each barber shop in the said city of Wilmington. It shall be the duty of every proprietor or person operating a barber shop in said city to keep posted in a conspicuous place in his shop, so as to be easily read by his customers, a copy of such rules and regulations. A failure of any such proprietor to keep such rules so posted or to observe the requirements thereof, shall be sufficient ground for the revocation of his license, but no license shall be revoked without a reasonable opportunity being offered to such proprietor to be heard in his defense. Any member of said board shall have power to enter and make any reasonable examination of any barber shop in said city during business hours, for the purpose of ascertaining the sanitary conditions thereof. Any barber shop in which tools, appliances and furnishings in use therein are kept in an unclean and unsanitary condition so as to endanger health is hereby declared to be a public nuisance, and the proprietor thereof shall be subject to prosecution and punishment therefor.

Organization.

Annual report.

Rules and regulations.

Rules to be printed

To be posted in conspicuous place.

Penalty for non-compliance

Powers of.

Meetings of Board.

Section 3. That said board shall meet at least three times in each year in the said city of Wilmington to conduct an examination of persons desiring to follow the business or occupation of barbers, and shall give at least ten days previous notice of the

OF BARBERS.

time and place of such meeting in at least two of the daily newspapers of the said city of Wilmington.

Act to take effect from passage thereof.

Section 4. This Act shall take effect from the date of its passage and within sixty days thereafter it shall be the duty of every person who at the time of the passage of this act shall have been engaged for the period of two years or more, either as journeyman or proprietor, in the business or occupation of a barber in said city of Wilmington, to cause his or her name and residence or place of business to be registered with said Board of Examiners. The statement of every such person so registering shall be verified under oath before a Notary Public of this State, and shall set forth his or her name and residence or place of business and the length of time he or she has acted or served as barber. Every person who shall be so registered with said Board as a barber, shall pay to the Treasurer of said Board the sum of two dollars and shall be entitled to receive from said Board a certificate as a barber, and shall pay annually the sum of one dollar for a renewal of said certificate.

To register within 60 days thereafter.

Registration fee.

Annual fee.

Examination fee.

Qualifications.

Section 5. Any person not within the provisions of Section 4, or not registering thereunder, desiring to obtain a certificate of registration under this Act, shall make application to said board thereof, and shall pay to the Treasurer of said board an examination fee of five (5) dollars, and shall present himself at the next regular meeting of the board for the examination of applicants, whereupon said board shall proceed to examine such person, and being satisfied that he is above the age of nineteen years, of good moral character, free from contagious diseases, that he has either studied the trade for at least three years as an apprentice under a qualified and practicing barber; or has practiced the trade in another State for at least two years, and is possessed of the requisite skill in said trade to properly perform all the duties thereof, including his ability in the preparation of tools, shaving, hair cutting and all the duties and services incident thereto, his name shall be entered by the board in the register hereinafter provided for, and a certificate of registration shall be issued to him authorizing him to practice said trade in said city of Wilmington, which said certificate shall be good for one year. All persons who shall have passed a successful examination before said board shall be entitled to receive from said board a certificate thereafter annually upon the payment of a fee of one dollar.

Compensation of members of Board.

Section 6. Each member of said Board shall receive a compensation of five dollars per day, for actual services, which com-

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pensation shall be paid out of the moneys in the hands of the Treasurer of said Board; provided, that said compensation shall in no event be paid out of the State Treasury.

Section 7. Nothing in this Act shall prohibit any person from serving as an apprentice to said trade under a barber authorized to practice the same under this Act; provided, that in no barber shop in said city of Wilmington shall there be more than one apprentice to one barber authorized under this Act to practice said occupation. Not more than one apprentice one barber.

An apprentice within the meaning of this Act is any one who has entered into the employment of a qualified barber for a fixed term in order to learn the trade or art of barbering. Every apprentice in the said city of Wilmington in order to avail himself of the provisions of this Act must file with the Secretary of said Board a statement in writing showing the name and place of business of his employer, the date of the commencement of employment with him, and his full name and age, and shall pay into the Treasury of said Board a fee of fifty (50) cents. Definition of apprentice.

Section 8. Said Board shall furnish to each person to whom a certificate of registration is issued, a card or insignia good for the year, for which the same is issued bearing the signatures of its President and Secretary, certifying that the holder thereof is entitled to practice the occupation of Barber in said city, and the year for which it is issued printed in large figures; and it shall be the duty of the holder of such card or insignia to post the same and any renewal thereof in a conspicuous place in front of his working chair, where it may be readily seen by all persons whom he may serve. Board to furnish certificate of registration. Where posted.

Section 9. Said Board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this Act and said register shall be at all times open to public inspection. Board to keep register.

Section 10. To shave or trim the beard or cut the hair of any person for hire or reward received by the person performing such service or any other person shall be construed as practicing the occupation of barber within the meaning of this Act. Definition of the occupation of a barber.

Section 11. It shall be unlawful for any person to follow the occupation of a barber without the certificate of said Board of Examiners. Provided further that all persons making application Unlawful to follow the occupation without certificate.

OF BARBERS.

* (f) or examination under the provisions of this Act shall be allowed to practice the occupation of barbering until the next regular meeting of said Board.

Section 12. It shall be unlawful for any person to follow the occupation of a barber without the certificate of said Board of Examiners: Provided further that all persons making application * (f) or examination under the provisions of this Act shall be allowed to practice the occupation of barbering until the next regular meeting of said Board.

Violation of
Act.

Penalty for.

Section 13. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace residing in the said City of Wilmington or by the Municipal Court of the City of Wilmington shall be fined not less than five nor more than fifty dollars, and any convicted person who shall refuse or neglect to pay such fine may be imprisoned in the County Jail until such fine is paid, not exceeding, however, twenty days.

Approved March 9, A. D. 1901.

* Printed as enrolled.

TITLE SEVENTH.

Of the Poor.

CHAPTER 138.

OF CHARITABLE INSTITUTIONS.

AN ACT TO EXEMPT FROM TAXATION THE LANDS, TENEMENTS AND HEREDITAMENTS AND PERSONAL ESTATE OF "THE SARAH WHITE HOME."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring herein) :

Section 1. That all and every, the lands, tenements and hereditaments and also the personal estate of "The Sarah White Home" (a corporation of the State of Delaware), which it now holds or which it at any time hereafter may acquire, shall be free from State, County and Municipal taxes. ^{Exemption from taxation.}

Approved February 18, A. D. 1901.

CHARITABLE INSTITUTIONS.

CHAPTER 139.

CHARITABLE INSTITUTIONS.

AN ACT FOR THE RELIEF OF SARAH ANN WHITE HOME FOR AGED AND INFIRM COLORED PERSONS.

Whereas "Sarah Ann White Home for Aged and Infirm Colored Persons," a corporation of the State of Delaware, was organized for the relief of such aged and infirm colored persons who are unable to maintain themselves and are dependent on the charity of others;

And Whereas the work accomplished by said corporation is carried on by charitable bequests and legacies, and by voluntary contributions from private persons, which are insufficient for the purposes of said corporation;

Therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Exemption
from taxation.

Section 1. That any and all property now held, or that may hereafter be acquired in any manner by the said corporation, together with any and all gifts, devises, bequests or legacies, to it, in any manner hereafter given, are and shall be exempt from all taxes, assessments and abatements whatsoever, for State, County, Municipal or other purposes, so long as the same is held or used for the charitable purposes for which the said corporation was instituted.

Section 2. This Act shall be deemed and taken to be a public Act and the power to revoke the same is hereby reserved to the General Assembly.

Approved March 14, A. D. 1901.

TITLE EIGHTH.

Of the General Police.

CHAPTER 140.

OF JAILS AND WORKHOUSES.

AN ACT TO AMEND THE ACT ENTITLED AN ACT TO ESTABLISH THE NEW CASTLE COUNTY WORKHOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of three-fourths of all the members elected to each House):

Section 1 Amend Section 3 of the Act entitled An Act to establish the New Castle County Workhouse, passed at Dover, March 11th, A. D. 1899, and approved by the Governor, March 16th, A. D. 1899, by inserting after the word "years" in the eleventh line of said Section the words "and six months." ^{Extension of time.}

Approved March 2. A. D. 1901.

OF JAILS AND WORKHOUSES

CHAPTER 141.

OF JAILS AND WORKHOUSES.

AN ACT TO PROVIDE FOR THE COMPLETION OF THE NEW CASTLE COUNTY WORKHOUSE.

Whereas, The act entitled "An Act to establish the New Castle County Workhouse," passed at Dover, March 16th, 1899, and approved by the Governor, March 16th, 1899, among other things, authorized and directed the Levy Court of New Castle County for the purpose of establishing the New Castle County Workhouse, to issue Certificates of Indebtedness to an amount, not exceeding the sum of one hundred thousand dollars, and to pay over the sum realized from the sale of said Certificates to the Board of Trustees of the New Castle County Workhouse.

And Whereas, Under the provisions of the Act, aforesaid, it was made mandatory upon the said Board of Trustees to apply the money so received, to the purchase of the necessary land suitable for said workhouse, and toward paying for the erection, completion and furnishing of said workhouse with implements and appliances necessary and proper for the successful establishment and operation of the same, and also to the payment of the interest on the said Certificates of Indebtedness as it falls due until the said workhouse is built and in operation.

And Whereas, The said Board of Trustees, pursuant to the authority vested in it, by the Act aforesaid, did purchase suitable lands for a workhouse and did erect on the same proper buildings necessary to carry into effect the uses and purposes mentioned in said Act,

And Whereas, On account of the great increase in the price of the materials entering into the erection and construction of said Workhouse and the insufficiency of the amount which the Act aforesaid authorized and directed the said Levy Court to borrow, the said Board of Trustees have been unable to complete, furnish and equip the said Workhouse for the uses and purposes intended in said Act,

OF JAILS AND WORKHOUSES.

And Whereas, In order to fully carry into effect the provisions of the Act aforesaid, it is necessary that authority be given the Levy Court of New Castle County to borrow an additional sum of money, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of three-fourths of all the members elected to each House) :

Section 1. The Levy Court of New Castle County is hereby authorized and directed to borrow on the credit of the county, in order to provide for the completion of the New Castle County Workhouse, such sum or sums of money as may be necessary, and as may be directed by the said Board of Trustees of the New Castle County Workhouse, in addition to the sum of one hundred thousand dollars heretofore directed to be borrowed under the Act aforesaid; provided, that the said sum hereby authorized and directed to be borrowed shall not exceed in the aggregate the sum of seventy-five thousand dollars; and for such purposes, shall issue Certificates of Indebtedness, of such denomination and in such form as by the said Levy Court may be most expedient. Such certificates shall bear date April first, 1901. They shall be payable on or before the first day of April, 1921. They shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually on the first day of October and April, in each year. This loan shall be known as and form part of the New Castle County Workhouse Loan. Each certificate shall bear upon its face the words "Loan for the completion of the New Castle County Workhouse." This loan, together with the one hundred thousand dollar loan aforesaid, shall be kept separate and distinct from all other indebtedness of the county, for the purpose of identification. All money realized from the sale of the said certificates shall be paid to the said Board of Trustees, and by them shall be applied toward paying for the completion and furnishing of the said Workhouse, with implements and appliances, necessary and proper for the successful establishment and operation of the same; and also to the payment of interest on the said loan as it falls due, until the said Workhouse is completed and in operation. The balance, if any, remaining after the completion and equipment of the said Workhouse, and the taking over of the prisoners from the Sheriff of New Castle County, to be applied

Levy Court of New Castle County to borrow money.

Amount not to exceed \$75,000.

To issue certificates.

Form and terms of certificate.

Money realized from sale of certificates to be paid to Trustees.

Moneys received, how applied.

OF FISH, OYSTERS AND GAME.

by the said Board of Trustees for the support and maintenance of the said prisoners until the appropriation as provided for in the Act aforesaid shall have been paid to the said Board of Trustees by the said Levy Court.

Approved March 2, A. D. 1901.

CHAPTER 142.

OF FISH, OYSTERS AND GAME.

AN ACT TO PROTECT FISH AND FISHING IN BUFORD LAKE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Limitations of
fishing in Bu-
ford Lake.

Section 1. That from and after the passage of this Act it shall be unlawful for any person to catch, take away, or remove from Buford Lake, commonly known as Smalley's dam (situated in White Clay Creek Hundred, and New Castle Hundred, New Castle County) any fish between the fifteenth day of December and the fifteenth day of the following June in each and every year.

Devices for
fishing prohi-
bited.

Section 2. That from and after the passage of this Act it shall be unlawful for any person to make use of any net, traps, "bob," material, device or contrivance whatsoever for the purpose of taking or catching fish in said Buford Lake. Provided, however, that the foregoing provisions of this Section shall not apply to any person using the rod and line and hook in common use for catching fish, which rod and line and hook shall always be under the observation of the person so using it, and further provided that every fish known as a "bass" under the length of six inches and every fish known as a "pike" under the length of ten inches when hooked and caught shall be immediately returned to the water by the person so catching it.

Hook and line
may be used.

Penalty for.

Section 3. That any person or persons violating the provisions of this Act shall forfeit and pay the sum of ten dollars and

OF FISH, OYSTERS AND GAME.

costs of suit for every such offense, to be recoverable before a Justice of the Peace by an action of debt in the name of the State, one-half for the use of the informer, who shall be a competent witness, and one-half to be paid to the Treasurer of the County for County purposes. ^{Fine recovered, how paid.} Provided that any person or persons so offending on conviction thereof as aforesaid and failing to pay said fine imposed and the costs, then said person or persons shall undergo an imprisonment of ten days in the County Jail.

Section 4. That the provisions of this Act shall apply to and include Buford Lake, commonly known as Smalley's dam, as aforesaid, and the Christiana Creek from the point where it is bridged on the road leading from Salem in White Clay Creek Hundred to the Red Lion in New Castle Hundred, to the point where the said Christiana Creek empties or flows into the said Buford Lake.

Section 5. That this Act shall be deemed and taken to be a public act.

Approved February 6, A. D. 1901.

OF FISH, OYSTERS AND GAME.

CHAPTER 143.

OF FISH, OYSTERS AND GAME.

AN ACT TO PROHIBIT THE CATCHING OF FISH IN SILVER LAKE, NEAR DOVER, EXCEPT WITH HOOK AND LINE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Fishing prohibited in, except with hook and line.

Section 1. That from and after this Act becomes a law it shall be unlawful for any person to catch or take fish in Silver Lake near Dover except with hook and line.

Penalty.

Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined Ten dollars for each offense or imprisoned for a term of ten days, at the discretion of the Justice of the Peace.

Approved February 18, A. D. 1901.

OF FISH, OYSTERS AND GAME.

CHAPTER 144.

OF FISH, OYSTERS AND GAME.

HOUSE AMENDMENT TO HOUSE BILL NO. 39.

* Amend the Bill by striking out all of said Bill after the enacting clause and by inserting in lieu thereof the words and figures following, to wit:

Section 1. That Chapter 462, Volume 20, Laws of Delaware, be and the same is hereby amended by striking out the words "three and one-half" in lines ten and eleven of Section one of said Chapter and by inserting in lieu of the words so stricken out the words following. "two and five-eighths."

Amendment to diminish size of mesh of nets used therein.

Section 2. That Section 2 of Chapter 462 of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out the words "of not less than ten dollars nor more than," in the fifth and sixth lines of said Section, and by inserting in lieu of the words so stricken out, after the word "dollars" in the sixth line of said Section the words "twenty-five dollars for the first offense and Fifty dollars and confiscation of all nets and boats for the second offense."

Penalty. Increase in fine.

AN ACT TO AMEND CHAPTER 462 OF VOLUME 20, LAWS OF DELAWARE, RELATING TO FISHING IN DRUMOND'S MILL POND, OTHERWISE KNOWN AS SILVER LAKE, AND NOXENTOWN MILL POND IN NEW CASTLE COUNTY, BY CHANGING THE SIZE OF MESH OF NETS TO BE USED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 462 of Volume 20, Laws of Delaware be and the same is hereby amended by striking out the words "and one-half" in the tenth and eleventh lines of Section 1 of said Chapter.

Approved February 25, A. D. 1901.

* Printed as enrolled.

OF FISH, OYSTERS AND GAME.

CHAPTER 145.

OF FISH, OYSTERS AND GAME.

AN ACT TO PREVENT CARP FISHING IN THE DELAWARE BAY AND ITS TRIBUTARIES DURING THE MONTHS OF JUNE, JULY AND AUGUST OF EACH YEAR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Closed season
for Carp fish-
ing in Dela-
ware Bay.

Section 1. That from and after the passage of this Act, it shall be unlawful for any person or persons to catch or in any wise take or capture carp fish in the Delaware Bay or river or any of its tributaries within the limits of this State during the months of June, July and August in each and every year.

Violation.

Section 2. That any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction there- of shall be fined not exceeding Fifty dollars or be imprisoned not less than thirty days or both at the discretion of the Court.

Penalty.

Approved March 2, A. D. 1901.

OF FISH, OYSTERS AND GAME.

CHAPTER 146.

OF FISH, OYSTERS AND GAME.

AN ACT TO AMEND CHAPTER 72, VOLUME 14, LAWS OF DELAWARE,
AND TO PROVIDE FOR THE APPREHENSION OF PERSONS FISHING
FOR SHAD CONTRARY TO LAW.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Section 1. That the Act entitled "An Act for the protection of fishermen," being Chapter 72, Volume 14, Laws of Delaware, be and the same is hereby amended by adding thereto after Section 12, a new section to read as follows:

Section 13. That it shall be the duty of the Governor of this State to appoint a suitable person for the term of four years, ^{Governor to appoint Shad Patrolman.} and quadrennially thereafter, whose duty it shall be to provide, ^{Term of office.} equip and take charge of a boat to patrol the waters of the Delaware River within the jurisdiction of this State on Sundays during shad fishing season; and it shall be the duty of said person ^{Duties.} and those in charge of said boat to patrol said waters on said days and enforce in the manner now provided by law, the provisions of law against all persons who shall violate the same.

That all expenses incurred in carrying out the provisions ^{Expenses.} hereof, shall be paid by the Levy Court of New Castle County: Provided, however, that said expenses shall not exceed the sum of Two hundred dollars in any one year.

Section 2. That all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Approved February 19, A. D. 1901.

OF FISH, OYSTERS AND GAME.

CHAPTER 147.

OF FISH, OYSTERS AND GAME.

AN ACT PROVIDING FOR A CREW OF THE WATCH BOAT FOR PROTECTION OF OYSTERS OF THE STATE, AND FIXING THEIR SALARIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Crew of watch
boat.

Captain.
Mate.

Crew, how ap-
pointed.

Salaries.

How paid.

Section 1. That in lieu of the crew now provided by Section 19 of Chapter 653 of Volume 19, Laws of Delaware, for the watch boat for protection of oysters of the State, there shall be a crew of said boat consisting of four men, one of whom shall be Captain, one of whom shall be mate and the other two of whom shall be sailors. The captain shall have charge of said boat and the other members of the crew shall be subject to his orders. In the absence for any cause of said captain the mate shall have charge and the others shall be subject to his orders. Said crew shall be appointed by the Collector of Oyster Revenue and shall be under his control and subject to his orders. He may, for cause, remove any of them and appoint others at any time.

The said captain shall receive a salary of sixty-five dollars per month, the mate Fifty dollars per month and the other two members of the crew forty dollars per month. The said salaries shall be paid by the State Treasurer at the end of every month.

Section 2. All Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved April 3, A. D. 1901.

OF FISH, OYSTERS AND GAME.

CHAPTER 148.

OF FISH, OYSTERS AND GAME.

AN ACT TO AMEND CHAPTER 87, VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT TO FURTHER PROTECT OYSTERS IN BROADKILN RIVER AND SOUND AND IN MISPELLION RIVER AND IN LEIPSIC RIVER AND SIMON'S CREEK," BY CHANGING THE LICENSE FEE TO THREE DOLLARS, EXEMPTING LEIPSIC RIVER AND SIMON'S CREEK, AND MAKING IT UNLAWFUL TO DREDGE IN THE TRIBUTARIES OF DELAWARE BAY WITH CERTAIN TONGS OR DREDGES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 1 of Chapter 87 of Volume 21, Laws of Delaware, entitled "An Act to further protect oysters in Broadkiln river and sound and in Mispillion river and in Leipsic river and Simon's Creek," be and the same is hereby amended by striking out the word "five" in the fifteenth line of said section and inserting in lieu thereof the word "three." License fee reduced to \$3.00.

Section 2. That Section 2 of said Act be and the same is hereby amended by striking out the words "or Leipsic river or Simons Creek." May catch for planting in Leipsic River or Simons Creek.

Section 3. That Section 3 of said Chapter be and the same is hereby amended by striking out the words "or Leipsic river or Simons Creek" in the second and third lines of said Section, and by striking out the word "creek" in the fourth line of said Section. License for catching oysters for market in Leipsic River or Simons Creek rescinded.

Section 4. That the said Chapter be and the same is further amended by changing the numbers of Sections 4 and 5 to 5 and 6, respectively, and by inserting as a new section 4. the following:

Section 4. That it shall be unlawful for any person or persons to dredge for oysters with dredges or tongs operated by means of rope, line or chain in the tributaries of the Delaware Bay. Dredging for oysters with rope attached to tongs forbidden.

OF FISH, OYSTERS AND GAME.

Violation. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty dollars nor more than fifty dollars and cost. And upon failure to pay such fine

Penalty.

Imprisonment. shall be committed to the County Jail for a term of not less than thirty nor more than forty days.

Disposition of fine. One-half of said fine shall go to the prosecutor, the other half to the Collector of the Oyster Revenue for the use of the State.

Approved March 9, A. D. 1901.

CHAPTER 149.

OF FISH, OYSTERS AND GAME.

AN ACT TO AMEND CHAPTER 465 OF VOLUME 20, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND CHAPTER 653, VOLUME 19, OF THE LAWS OF DELAWARE," BY STRIKING OUT THE PROVISIONS THEREOF ALLOWING DREDGING IN BLAKE'S CHANNEL IN THE MONTHS OF SEPTEMBER, OCTOBER AND NOVEMBER.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Dredging for oysters in Blake's Channel during September, October and November forbidden.

Section 1. That Chapter 465 of Volume 20, Laws of Delaware, entitled "An Act to amend Chapter 653, Volume 19, of the Laws of Delaware," be and the same is hereby amended by striking out all of Sections 1 and 2 thereof and changing the numbers of Sections 3 and 4 to 1 and 2 respectively.

Approved April 5, A. D. 1901.

OF FISH, OYSTERS AND GAME.

CHAPTER 150.

OF FISH, OYSTERS AND GAME.

AN ACT FOR THE PROTECTION OF FOXES IN THIS STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after this Act becomes a law it shall be unlawful for any person to shoot at, kill or destroy any fox while such fox is being chased or pursued by dog or dogs. Forbidden to shoot at fox while chased,

Section 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty and not exceeding fifty dollars for each offense and upon failure to pay said fine shall be imprisoned for a term of not less than ten days at the discretion of the Court. Violation. Penalty. Imprisonment.

Approved March 7, A. D. 1901.

OF FISH, OYSTERS AND GAME.

CHAPTER 151.

OF FISH, OYSTERS AND GAME.

AN ACT FOR THE PROTECTION OF FOXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Closed season
for hunting
foxes.

Section 1. That from and after this Act becomes a law it shall be unlawful for any person to hunt any fox or foxes within the State of Delaware, between the first day of May and the last day of August in any year.

Violation.

Section 2. Any person violating the provisions of this Act shall be deemed guilty of a common nuisance, and upon conviction thereof before any Justice of the Peace in this State shall be fined ten dollars and on failure to pay said fine shall be committed to the County Jail for a period of ten days.

Penalty.

Imprisonment.

Approved March 14, A. D. 1901.

OF FISH, OYSTERS AND GAME.

CHAPTER 152.

OF FISH, OYSTERS AND GAME.

AN ACT TO AMEND CHAPTER 507 OF VOLUME 17, LAWS OF DELAWARE, ENTITLED "AN ACT FOR THE PROTECTION AND PRESERVATION OF GAME AND GAME FISH," CHANGING THE TIME IN WHICH REED BIRDS MAY BE KILLED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 507, Volume 17, Laws of Delaware, be and the same is hereby amended by inserting between the words "reed-bird" and "October" in the ninth line of Section 1 thereof the words "between the first day of February and the twenty-fifth day of August in either of the Counties of this State or any." Change time and fine for shooting reed-birds.

Approved February 25, A. D. 1901.

OF FISH, OYSTERS AND GAME.

CHAPTER 153.

OF FISH, OYSTERS AND GAME.

AN ACT TO AMEND CHAPTER 507, VOLUME 17, LAWS OF DELAWARE, BEING "AN ACT FOR THE PROTECTION AND PRESERVATION OF GAME AND GAME FISH," PROVIDING THAT GEESE AND DUCKS SHALL NOT BE SOLD OR CARRIED OUT OF THIS STATE UNLESS A LICENSE IS FIRST HAD AND OBTAINED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Amendment
prohibiting
the sale of
geese and
ducks outside
of the State

Section 1. That Section 9 of Chapter 507, Volume 17, Laws of Delaware, be and the same is hereby amended by striking out the words "except geese and ducks" in line four of said Section.

Approved February 18, A. D. 1901.

OF ROADS AND BRIDGES.

CHAPTER 154.

OF ROADS AND BRIDGES.

AN ACT TO INCREASE THE MAXIMUM TAX RATE LEVIED TO RAISE THE MONEY THAT WILL BE REQUIRED IN ANY YEAR FOR THE PURPOSE OF KEEPING THE ROADS AND BRIDGES IN BRANDYWINE HUNDRED IN GOOD REPAIR, BY AMENDING SECTION 4 OF CHAPTER 50, AS PRINTED AND PUBLISHED IN VOLUME 20, LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That Section 4 of Chapter 50 as printed and published in Volume 20, Laws of Delaware, be and the same is hereby amended as follows, to wit: ^{Increase of tax rate.}

By striking out the words "twenty-five" in line twenty-five of said Section and by inserting in said line of said Section, in lieu of the words so stricken out the word "forty."

Approved March 2, A. D. 1901.

OF ROADS AND BRIDGES.

CHAPTER 155.

OF ROADS AND BRIDGES.

AN ACT GIVING THE CONSENT OF THE STATE OF DELAWARE TO THE CUTTING OF THE COUNTY ROAD IN ST. GEORGES HUNDRED IN NEW CASTLE COUNTY, BY A NEW CUT OFF OF APPOQUINIMINK RIVER NEAR FENIMORE'S LANDING.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Consent to
cutting of the
county road in
St Georges
Hundred.

Section 1. That the consent of this State is hereby given to the cutting, by the United States, of a cut off of Appoquinimink River near Fenimore's Landing, designated on the survey of 1889 as Cut Off No. 4, through or across the County road of New Castle County, crossing said River at Fenimore's Causeway.

Approved March 7, A. D. 1901.

OF ROADS AND BRIDGES.

CHAPTER 156.

OF ROADS AND BRIDGES.

AN ACT AUTHORIZING A SPECIAL TAX TO PROVIDE A SPECIAL FUND FOR THE PURCHASE OF OYSTER SHELLS FOR THE COUNTY ROADS OF THE SECOND REPRESENTATIVE DISTRICT OF SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Levy Court of Sussex County and such other body as may hereafter be the successor of the said Levy Court, be and the same is hereby authorized to impose a special tax upon the real estate and personal property situated in the Second Representative District of Sussex County, of ten cents on the one hundred dollars of real estate and personal assessment of said hundred, in addition to the rate regularly fixed for the said hundred for general taxation purposes, and the said special tax shall be collected by the collector of the Second Representative District as other county taxes are collected, and shall be paid over to the County Treasurer, who shall open and keep a separate account thereof. And said County Treasurer shall disburse said special tax upon orders to be drawn upon him by the Commissioner for said Second Representative District. Said Commissioner shall cause to be printed special forms of orders to be used for this purpose, and they shall be designated "Shell Road Orders for the Second Representative District of Sussex County."

Levy Court to impose special tax upon real estate, and Representative District.

Rate of tax.

How collected.

To whom paid.

How disbursed.

Form of orders.

Section 2. That the money derived from the said increase of taxation shall be devoted exclusively to the purchase of oyster shells for use and distribution upon the county roads of the Second Representative District of Sussex County aforesaid; provided, that the compensation for hauling said oyster shells shall not exceed the following rates: One-half cent per bushel to be paid for hauling those shells distributed within a distance of one mile from the towns of Bridgeville or Greenwood, or from such place as the said shells may be taken for hauling; three-quarters

Application of moneys derived from the tax.

Pay for hauling.

OF ROADS AND BRIDGES.

of a cent per bushel to be paid for those hauling shells distributed within a distance of two miles from the said towns of Bridgeville or Greenwood, or from such place as the said shells may be taken to be hauled; one cent per bushel to be paid for hauling those shells distributed within a distance of three miles from the towns of Bridgeville or Greenwood or from such place as the same may be taken to be hauled; for hauling for such further distances as may be necessary, payments shall be made in the same proportion, and no one but the residents and taxpayers of the Second Representative District of Sussex County shall be allowed to haul and distribute the oyster shells on the county roads aforesaid.

Non-residents
shall not haul.

Distributive
points.

Section 3. That the oyster shells hereby required to be used shall be distributed from two points, to wit: Bridgeville and Greenwood. Those distributed from Bridgeville to be placed and used on the roads lying nearest to said Bridgeville, and those distributed from Greenwood to be placed and used on the roads lying nearest to said Greenwood. The tax raised upon the lands lying nearest Bridgeville to be used exclusively in the purchase of shells to be placed on the roads lying nearest said Bridgeville or leading to or therefrom, and nearest and appurtenant to, or leading to or from the property so taxed; and the tax raised upon the lands lying nearest Greenwood, or leading to or therefrom, to be used exclusively in the purchase of shells to be placed on the roads lying nearest and appurtenant to, or leading to or from the property so taxed.

Special tax
thus levied not
to decrease
amount from
general fund.

Section 4. That the allotment of money for roads in the Second Representative District of Sussex County from general funds for use upon the county roads within said District shall not be interfered with nor decreased by anything herein contained, but the said roads within said District shall receive such allotment in addition to the amounts raised by the special tax herein authorized; provided, that the money so allotted from the general funds as aforesaid shall hereafter be apportioned as nearly as possible among the county roads of the said District according to the relation of the assessed valuation of the real estate, personal property, situated upon or appurtenant to each of said roads to the total assessed valuation of the real estate of the said District.

Approved March 7, A. D. 1901.

OF ROADS AND BRIDGES.

CHAPTER 157.

OF ROADS AND BRIDGES.

AN ACT AUTHORIZING A SPECIAL TAX TO PROVIDE A SPECIAL FUND FOR THE PURCHASE OF OYSTER SHELLS FOR THE COUNTY ROADS OF THE FIRST ELECTION DISTRICT OF THE THIRD REPRESENTATIVE DISTRICT OF SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Levy Court of Sussex County and such other body as may hereafter be the successor of the said Levy Court, be and the same is hereby authorized to impose a special tax upon the real estate and personal property situated in the First Election District of the Third Representative District in the said county, of twenty cents (20c.) on the one hundred (\$100) dollars of real estate and personal assessment of said Election District, in addition to the rate regularly fixed for Nanticoke Hundred for general taxation purposes, and the said special tax shall be collected by the collector of Nanticoke Hundred as other county taxes are collected, and shall be paid over to the County Treasurer, who shall open and keep a separate account thereof. And said County Treasurer shall disburse said special tax upon orders to be drawn upon him by the commissioner of said Nanticoke Hundred, or by the commissioner of the district in which Nanticoke Hundred may be included. Said commissioner shall cause to be printed special forms of orders to be used for this purpose, and they shall be designated "Shell Road Orders for the First Election District of the Third Representative District of Sussex County."

Section 2. That the money derived from the said increase of taxation shall be devoted exclusively to the purchase of oyster shells for use and distribution upon the following county roads of the First Election District of the Third Representative District of Sussex County, viz.:

The road leading from Seaford to Georgetown, beginning

Levy Court to impose special tax upon real estate in 3rd Representative District.

Rate of tax.

How collected.

To whom paid,

How disbursed

Form of orders.

Application of moneys derived from the tax.

Limits of roads for shelling.

OF ROADS AND BRIDGES.

Pay for hauling.

Non-residents shall not haul.

at Middleford Mill Dam and running east to Hebrons Church, and the road beginning at John Green's Mill and running south-east to the main road leading from Seaford to Georgetown at Cokesburry Church, and shall be divided equally between said roads each year; provided, that the compensation for hauling said oyster shells shall not exceed the following rates: One-half cent per bushel to be paid for hauling those shells distributed within a distance of one mile from such place as the said shells may be taken for hauling; three-quarters of a cent per bushel to be paid for those hauling shells distributed within a distance of two miles from such place as the said shells may be taken to be hauled; one cent per bushel to be paid for hauling those shells distributed within a distance of three miles from such place as the same may be taken to be hauled; for hauling for such further distances as may be necessary, payments shall be made in the same proportion, and no one but the residents and taxpayers of the First Election District of the Third Representative District of Sussex County shall be allowed to haul and distribute the oysters shells on the county roads aforesaid.

Approved March 9, A. D. 1901.

OF ROADS AND BRIDGES.

CHAPTER 158.

OF ROADS AND BRIDGES.

AN ACT TO AMEND CHAPTER 500 OF VOLUME 20, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE THE LEVYING OF A SPECIAL TAX FOR SHELLING THE COUNTY ROADS OF BROAD CREEK HUNDRED, SUSSEX COUNTY," BY PROVIDING THAT SAID OYSTER SHELLS MAY BE USED ON ANOTHER ROAD RUNNING FROM LAUREL IN LITTLE CREEK HUNDRED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 500 of Volume 20, Laws of Delaware, entitled "An Act to authorize the levying of a special tax for shelling the County Roads of Broad Creek Hundred, Sussex County," be and the same is hereby amended by adding at the end of the word "aforesaid" at the end of line four of Section 2 of said Chapter, the words "or roads running from the town of Laurel partly through another hundred into said Broad Creek Hundred." Providing for another road to be shelled.

Also by adding at the end of Section 3 of said Chapter the following:

"Provided, that all of the money collected under the provisions of this Act during the years 1901 and 1902 shall be applied to the purchase of oyster shells and the payment of freight and distribution thereof upon the county road leading from Laurel by the Fook's farm and by Windsor's store into Broad Creek Hundred, commencing at the end of said road at Laurel. From and after the expiration of the said two years the said shelling of roads shall be as provided in the first part of this Section, except that the road hereinbefore mentioned and referred to shall share the said shells provided for equally with the first three roads named in this Section." Special application of the tax for the years 1901 and 1902. Thereafter all roads of this Act to share alike.

Approved March 9, A. D. 1901.

OF ROADS AND BRIDGES.

CHAPTER 159.

OF ROADS AND BRIDGES.

AN ACT TO AUTHORIZE THE LEVYING OF A SPECIAL TAX FOR SHELLING THE COUNTY ROADS OF LITTLE CREEK HUNDRED, SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Levy Court to impose special tax upon real estate in Little Creek Hundred.

Rate of tax.

How collected.

To whom paid.

How disbursed

..

Form of orders

Application of moneys derived from the tax.

Pay for hauling.

Section 1. That the Levy Court of Sussex County, or such body as may hereafter be the successors of the said Levy Court, be and the same is hereby authorized to impose a special tax upon all the taxables assessed in Little Creek Hundred, Sussex County, of ten cents on the one hundred dollars on said assessment, of said hundred for general taxation purposes. This special tax shall be levied for the year A. D. 1901, within thirty days after the passage of this Act, and annually thereafter at the regular time for levying county taxes. The said special tax shall be collected by the Collector of Little Creek Hundred, or of the district in which Little Creek Hundred may be included, as other county taxes are collected, and shall be paid over to the County Treasurer, who shall open and keep a separate account thereof. The said County Treasurer shall disburse said special tax upon orders drawn upon him by the Commissioners of said Little Creek Hundred or by the Commissioners for the district in which Little Creek Hundred may be included. Said Commissioners shall cause to be printed special forms of orders to be used for this purpose and they shall be designated "Shell Road Orders for Little Creek Hundred."

Section 2. That the money derived from the special tax shall be devoted exclusively to the purchase of oyster shells and the payment of freight and distribution thereof upon the county roads of Little Creek Hundred aforesaid; provided, that the compensation for hauling said oyster shells shall not exceed the following rates: One-half cent per bushel to be paid for hauling those shells distributed within a distance of one mile from the

OF ROADS AND BRIDGES.

town of Laurel, or from such place as the said shells may be taken for hauling, three-quarters of a cent per bushel to be paid for hauling those shells distributed within a distance of two miles from the said town of Laurel or from such place as said shells may be taken to be hauled for hauling; for such further distance as may be necessary payment shall be made in the same proportion and no one but the residents and taxpayers of Little Creek Hundred shall be allowed to haul and distribute the oyster shells on the county roads aforesaid. Non-residents shall not haul.

Section 3. That the first five thousand bushels of oyster shells bought shall be distributed for use on the road leading from Laurel to Hearn's Cross Roads, the second five thousand bushels shall be used on road leading from Laurel in the direction of Ralph's store by way of Horsey's Mill, twenty-five hundred bushels shall be used on the road leading from Laurel to Broad Creek Bridge by way of the Cooper farm, twenty-five hundred bushels shall be used on the road leading from Laurel to Portsville, and when these shells shall have been distributed, then it shall be commenced as before, and they shall be distributed as before, continuing until said roads are completely shelled, and when these roads shall be completely shelled, then on such other roads in said hundred, as the Commissioners for said hundred or for the district in which said hundred may be included, shall designate. Distributive points.

Section 4. That the allotment of money to Little Creek Hundred from general fund for use upon the county roads of said hundred shall not be decreased by anything herein contained, but the said hundred shall receive such allotments in addition to the amounts raised by the special tax herein authorized. Special tax thus levied not to decrease amount from general fund.

Section 5. That this Act shall be deemed and taken to be a public Act.

Approved March 15, A. D. 1901.

OF WRECKES.

CHAPTER 160.

OF WRECKES.

AN ACT AMENDING CHAPTER 62 OF THE REVISED CODE BY DECREASING THE AMOUNT OF OFFICIAL BOND REQUIRED TO BE GIVEN BY WRECK-MASTERS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Decrease of
bond of wreck-
masters.

Section 1. That Section 1 of Chapter 62, of the Revised Code, be and the same is hereby amended by striking out the word "ten" in the second line of said Section and inserting the word "two."

Approved March 2, A. D. 1901.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 161.

OF THE SALE AND INSPECTION OF BREAD STUFFS.

AN ACT TO AMEND CHAPTER 209, OF VOLUME 20, LAWS OF DELAWARE, ENTITLED "AN ACT TO PREVENT DECEPTION IN THE MANUFACTURE AND SALE OF IMITATION BUTTER," BY STRIKING OUT SECTION 4 OF SAID ACT REQUIRING A PLACARD ON TUBS, &C., AND INSERTING THE SAME IN SECTION 1 THEREOF.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 209 of Volume 20, Laws of Delaware, entitled "An Act to prevent deception in the manufacture and sale of imitation butter," be and the same is hereby amended by striking out all of Section 4 thereof, and by inserting in Section 1 thereof after the word "butter" in the thirteenth line of said Section the following:

"But when any person exposes for sale in this State oleomargarine, butterine, or any substance made in imitation or semblance of pure butter, such person shall have conspicuously upon or across the surface of the exposed contents of every open tub, package or parcel thereof a placard with the words 'Oleomargarine,' 'butterine' or whatever the name of the contents of the package may be, printed thereon in plain, uncondensed Gothic letters, not less than one inch long."

Amendment requiring imitation butter to be marked with placard.

Approved March 9, A. D. 1901.

OF RETAILERS OF GOODS AND PEDDLERS.

CHAPTER 162.

OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT IN RELATION TO PEDDLERS WITHIN THE COUNTY OF NEW CASTLE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Repeal of former provisions as to peddlers in New Castle County.

Section 1. That the provisions of Chapter 617, Volume 18, Laws of Delaware; Chapter 646, Volume 11, Laws of Delaware; Chapter 123, Volume 12, Laws of Delaware; Chapter 142, Volume 18, Laws of Delaware, and all Acts and parts of Acts amendatory thereof, particularly an Act entitled, "Of Retailers of Goods and Peddlers," passed at Dover, May 19, 1897, being Chapter 512, page 543, Volume 20, Laws of Delaware, in so far as they or any of them may relate to peddlers within the County of New Castle, be and the same are hereby repealed; and that the provisions hereof so far only as affects licenses for peddlers within the County of New Castle, constitute and are a substitute therefor.

A peddler in New Castle County defined.

Section 2. Any person who shall carry a pack, basket or other receptacle or use any sort of vehicle by him propelled from which personal property shall be sold or offered for sale, or who shall in any way carry upon or with him or her, personal property for sale within the limits of the County of New Castle, shall be a peddler within the meaning of this Act.

License.

Section 3. Any person desiring to engage in the business of a peddler within the limits of the said county shall, before commencing business, apply in his or her own name for licenses so to do, to the Clerk of the Peace of New Castle County, and shall enter into a bond to the State in the sum of five hundred dollars to be filed in the office of said Clerk, with surety to be approved by him, to which bond there shall be annexed a power of attorney for the confession of judgment thereon in the Superior Court for said county, and which shall be entered in said

Bond.

Judgment.

OF RETAILERS OF GOODS AND PEDDLERS.

Court by said Clerk of the Peace and execution issued thereon upon any non-compliance with or violation of this Act by person or persons giving the same.

Section 4. On such entry of judgment upon any bond taken under this Act, the proceeds arising therefrom shall be one-half for the use of the county and the other half for the use of any person upon whose complaint any peddler has been arrested for the violation of the law.

Application of
proceeds
thereunder.

Section 5. Any person who complies with all the requirements of this Act may have a license as a peddler issued to him or her by said Clerk of the Peace for a period of three months, six months, or one year from its date. Such license shall entitle the holder to personally engage in his or her business during the period for which it is issued and no longer, and within the limits of the County of New Castle only. It shall not be transferred, nor assigned, nor shall it be used by any one except the person to whom it is issued. Every such peddler shall at all times carry with him or her, when engaged in such business, his or her license for the inspection of any Police Officer, City Constable or Peace Officer within the County of New Castle.

Terms of li-
cense.

Not to be
transferred or
assigned.

To be carried
for inspection.

Section 6. Every person applying for license under the provisions of this Act, who shall, at the time of the application therefor have been a bona fide resident of this State for a period of six months immediately theretofore, shall pay for such license, if a foot-peddler, at the rate of twenty-five dollars per annum; with one horse and wagon fifty dollars per annum, and with two horses and wagon seventy-five dollars per annum, and proportionate rates as the number of horses and wagons that are used in excess of this. Every other person so applying shall pay double the said rates.

Grades of
payment of
license.

Section 7. Any person who shall, within the limits of the said County of New Castle, carry on the business of a peddler, without having a license, shall, upon conviction, be punished by a fine; for the first offense, of not less than five nor more than ten dollars; for the second offense, not less than ten or more than twenty dollars; and for the third and all subsequent offenses, not less than twenty-five nor more than one hundred dollars.

Violation.

Penalty.

OF RETAILERS OF GOODS AND PEDDLERS.

Penalty for neglect to carry license.

Section 8. Any person having a peddler's license under this Act who shall carry on such business without having his or her license with him or her at the time, shall be, upon conviction, fined two dollars.

Penalty for assignment or transfer of license.

Section 9. Any person holding a license under the provisions of this Act, who shall loan, give, sell, assign or transfer such license to be used by any person, shall be fined the sum of fifty dollars and his or her license shall be forfeited.

Jurisdiction of offense under this Act.

Section 10. All violations of this Act and offenses against same are misdemeanors, and the Municipal Court of the City of Wilmington and the Justices of the Peace in and for New Castle County shall have jurisdiction to hear, try and determine them or any of them upon information lodged therein by the Attorney General of this State, his Deputy, or the prosecuting officer of the Municipal Court or any other person under oath.

Duties of Clerk of the Peace.

Section 11. The duties of the Clerk of the Peace for New Castle County in issuing licenses under this Act shall be as nearly as possible the same as they now are in issuing other licenses under the provisions of Section 3, of Chapter 68, page 549, of the Revised Code, Laws of Delaware, 1893.

Not to apply to peddler's licenses now in force.

Section 12. The provisions of this Act shall not apply to any peddler's license now in force in New Castle County. It shall take effect from the date of its approval by the Governor, and all Acts or parts of Acts inconsistent herewith, unless otherwise provided, are hereby expressly repealed.

Approved March 8, A. D. 1901.

OF PILOTAGE, NAVIGATION AND VESSELS.

CHAPTER 163.

OF PILOTAGE, NAVIGATION AND VESSELS.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE CHRISTIANA RIVER.

Whereas, earnest efforts by the Board of Trade of Wilmington, The Industrial Improvement Company of Wilmington, Delaware, and by various public spirited citizens, have been made for several years to secure from the Federal Government such appropriations of money as would be sufficient to effect such improvement of the Christiana River as would make said the Port of Wilmington and maintain said river in such navigable condition, and thereby develop, increase and maintain the trade, industrial commerce and development of the said City of Wilmington and surrounding country. And

Whereas, by Act of Congress, passed in the year 1898, a certain sum was appropriated for the purpose above named, which said appropriation was the means of inducing a large industrial development in said City of Wilmington. And

Whereas, said appropriation made by said Act of Congress has been nearly consumed in making the improvements to said Christiana River, as therein provided, and additional amounts of money are urgently needed for the continuance and maintenance of such improvements as have already been accomplished. And

Whereas, the continually increasing tonnage of shipping and the demands of trade and commerce make absolutely necessary the securing and maintaining of a greater depth in the channel of said Christiana River, in order that the Port of Wilmington may have and continue to offer equal advantages and facilities at all times with other ports. And

Whereas, strong efforts are now being made by public spirited citizens to secure further and sufficient appropriations for the purposes herein designated; therefore,

OF PILOTAGE, NAVIGATION AND VESSELS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring):

Appropriation by the Mayor and Council of Wilmington for the improvement of the Christiana River, supplementary to an appropriation by the Federal Government.

"Section 1. That, from and after any future appropriation by the Federal Government for the purposes of the improvement of the Christiana River as hereinabove designated, the Mayor and Council of Wilmington be and it is hereby authorized and directed to pay to such person or persons placed in charge of such future proposed improvements by the United States Government a sum or sums of money not exceeding in the aggregate sixty thousand dollars.

Amount paid in any one year.

Provided, however, that not more than twenty thousand dollars shall be paid on said account in any one year; and further provided, that prior to any such payment so to be made, the person or persons placed in charge of said proposed improvements by the United States Government, shall render to the said Mayor and Council of Wilmington, a detailed estimate as far as possible of all amounts to be expended in the course of said improvements; and further provided, that no such payment so to be made by the said Mayor and Council of Wilmington shall exceed in amount the sum of ten per centum of the sum then already expended as shown by the statement of the Federal official in charge.

How paid.

Section 2. That the said sum or sums to be paid by the Mayor and Council of Wilmington, as authorized and directed by the provisions of the preceding Section, shall be paid as other expenses of said City of Wilmington are paid, and shall be provided for by ordinance or otherwise, as Council may direct.

Section 3. That this Act shall be deemed and taken to be a public Act, and that all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Approved March 9, A. D. 1901.

OF LEGAL HOLIDAYS.

CHAPTER 164.

OF LEGAL HOLIDAYS.

AN ACT TO AMEND CHAPTER 67, OF VOLUME 20, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 511 OF VOLUME 20, LAWS OF DELAWARE, MAKING SATURDAYS HALF HOLIDAYS IN NEW CASTLE COUNTY, EXCEPT IN ST. GEORGES HUNDRED, BY STRIKING OUT SAID EXCEPTION OF ST. GEORGES HUNDRED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 67 of Volume 20, Laws of Delaware, as the same is amended by Chapter 511 of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out the words "with the exception of St. Georges Hundred" where the same occur in Section 4 of said Act.

Amendment
making Saturdays
half holidays in
St. Georges Hun-
dred.

Approved February 6, A. D. 1901.

OF LEGAL HOLIDAYS.

CHAPTER 165.

OF LEGAL HOLIDAYS.

AN ACT MAKING THE TWELFTH DAY OF FEBRUARY IN EACH YEAR,
KNOWN AS "LINCOLN'S BIRTHDAY" A LEGAL HOLIDAY.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

Lincoln's
Birthday a
legal holiday.

Section 1. That from and after the passage of this Act, the twelfth day of February in each year, known as "Lincoln's Birthday," is declared and hereby made a legal holiday, and all laws, or parts of laws, of the State of Delaware applicable to, or having reference in any way to legal holidays are hereby extended, and are in all cases to be deemed and taken as applicable to the aforesaid twelfth day of February.

Approved March 7, A. D. 1901.

TITLE TENTH.

Of Corporations.

CHAPTER 166.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT TO AMEND CHAPTER 273, VOLUME 21, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT PROVIDING A GENERAL CORPORATION LAW," APPROVED MARCH 10TH, A. D. 1899.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring herein) :

Section 1. That said Chapter 273, as printed and published in Volume 21, Laws of Delaware, entitled "An Act Providing a General Corporation Law," be and the same is hereby amended by striking out of said Act all of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 64, 76, 109, 134, 135, 136, 137, 138 and 139, and the same are hereby repealed, and the following sections are hereby inserted in said Chapter 273 in lieu of the sections so struck out and shall be numbered as herein fixed viz.:

Amendment to
Chapter 273.
Volume 21,
Laws of Dela-
ware.

"Section 2. Every corporation created under the provisions of this Act shall have power:

1. To have succession, by its corporate name, for the time stated in its certificate of incorporation, and when no period is limited, it shall be perpetual.

2. To sue and be sued, complain and defend in any Court of law or equity.

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Seal. 3. To make and use a common seal, and alter the same at pleasure.

Property. 4. To hold, purchase and convey real and personal estate, and to mortgage any such real and personal estate with its franchises; the power to hold real and personal estate, except in the case of religious corporations, shall include the power to take the same by devise or bequest.

Officers. 5. To appoint such officers and agents as the business of the corporation shall require and to allow them suitable compensation.

By-Laws. 6. To make by-laws not inconsistent with the Constitution or laws of the United States or of this State; fixing and altering the number of its directors, for the management of its property, the regulation and government of its affairs and for the certification and transfer of its stock, with penalties for the breach thereof not exceeding twenty dollars.

Dissolution. 7. To wind up and dissolve itself, or to be wound up and dissolved in the manner hereinafter mentioned.

To conduct business. 8. To conduct business in this State, other States, the District of Columbia, the territories and colonies of the United States and in foreign countries, and have one or more offices out of this State, and to hold, purchase, mortgage and convey real and personal property out of this State, provided such powers are included within the objects set forth in its certificate of incorporation."

Additional powers. "Section 3. In addition to the powers enumerated in the Second Section of this Act, every corporation, its officers, directors and stockholders, shall possess and exercise all the powers and privileges contained in this Act, and the powers expressly given in its charter or in its certificate under which it was incorporated, so far as the same are necessary or convenient to the attainment of the objects set forth in such charter or certificate of incorporation; and shall be governed by the provisions and be subject to the restrictions and liabilities in this Act contained, so far as the same are appropriate to and not inconsistent with such charter or Act under which such corporation was formed; and no corporation shall possess or exercise any other corporate powers, except such incidental powers as shall be necessary to the exercise of the powers so given."

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"Section 4. No corporation created under the provisions of this Act shall, by any implication or construction, be deemed to possess the power of carrying on the business of discounting bills, notes or other evidences of debt, of receiving deposits of money, of buying gold and silver bullion, or foreign coins, or buying and selling bills of exchange, or of issuing bills, notes or other evidences of debt for circulation as money." Banking powers denied

"Section 5. The certificate of incorporation shall set forth: Certificate

1. The name of the corporation, which name shall contain one of the words "association," "company," "corporation," "club," "incorporated," "society" or "syndicate" and shall be such as to distinguish it from any other corporation engaged in the same business, or promoting or carrying on the same objects or purposes in this State. Name

2. The name of the city or town, county or place within the county in which its principal office or place of business is to be located in this State. Principal office

3. The nature of the business, or objects or purposes proposed to be transacted, promoted or carried on. Objects

4. The amount of the total authorized capital stock of the corporation, which shall not be less than two thousand dollars, the number of shares into which the same is divided and the par value of each share; the amount of capital stock with which it will commence business, which shall not be less than one thousand dollars; and if there be more than one class of stock created by the certificate of incorporation, a description of the different classes with the terms on which the respective classes of stock are created. Provided, however, that the provisions of this paragraph shall not apply to corporations not for profit, for which it is desired to have no capital stock; in case any such corporation desires to have no capital stock it shall be so stated, and the conditions of membership shall be also stated. Capital stock

5. The names and places of residence of each of the original subscribers to the capital stock, or if there be no stock, of the original corporators. Subscribers or Corporators

6. Whether or not the corporation is to have perpetual existence, if not, the time when its existence is to commence and the time when its existence is to cease. Existence

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Liabilities of
stockholders

7. Whether the private property of the stockholders shall be subject to the payment of corporate debts, and if so, to what extent.

Other provisions

8. The certificate of incorporation may also contain any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation, and any provisions creating, defining, limiting and regulating the powers of the corporation, the directors and the stockholders, or any classes of the stockholders; provided, such provisions are not contrary to the laws of this State."

Execution of
Certificate.

"Section 6. The certificate shall be signed and sealed by each of the original subscribers to the capital stock, or if there be no capital stock, by each of the original corporators, and shall be acknowledged before any officer authorized by the laws of this State to take acknowledgments of deeds to be the act and deed of the signers respectively, and that the facts therein stated are truly set forth; said certificate shall be filed in the office of the Secretary of State, who shall furnish a certified copy of the same under his hand and seal of office, and said certified copy shall be recorded in the office of the Recorder of Deeds of the county where the principal office of said corporation is to be located in this State, in a book to be kept for that purpose; said certificate or a copy thereof duly certified by the Secretary of State, accompanied with the certificate of the Recorder of the county wherein the same is recorded under his hand and the seal of his office, stating that it has been recorded, the record of the same in the office of the Recorder aforesaid, or a copy of said record duly certified by the Recorder aforesaid, shall be evidence in all courts of law and equity in this State."

Filing.

Recording of
Copy.

Certificate,
evidence.

Beginning of
Corporate
existence.

"Section 7. Upon making the certificate of incorporation and causing the same to be filed, and a certified copy thereof recorded as aforesaid, and paying the license tax therefor to the Secretary of State, the persons so associating, their successors and assigns, shall from the date of such filing be and constitute a body corporate, by the name set forth in said certificate, subject to dissolution as in this Act elsewhere provided."

Temporary
management
by Corporators

"Section 8. Until the directors are elected, the signers of the certificate of incorporation shall have the direction of the affairs and of the organization of the corporation, and may take such steps as are proper to obtain the necessary subscriptions to

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stock and to perfect the organization of the corporation."

"Section 9. The business of every corporation organized under the provisions of this Act shall be managed by a board of not less than three directors, except as hereinafter provided; each of whom shall own in his own right not less than three shares of capital stock; they shall hold office until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business, and at least one of them shall be a resident of this State. The Board of Directors may, by resolution passed by a majority of the whole board, designate two or more of their number to constitute an executive committee, who, to the extent provided in said resolution or in the by-laws of said company, shall have and exercise the powers of the Board of Directors in the management of the business and affairs of the company, and may have power to authorize the seal of the company to be affixed to all papers which may require it. The directors of any corporation organized as aforesaid may, if so stated in the certificate of incorporation or in any amendment thereto, or may by a vote of the stockholders, be divided into one, two or three classes; the term of office of those of the first class to expire at the annual meeting next ensuing; of the second class one year thereafter; of the third class two years thereafter, and at each annual election held after such classification and election directors shall be chosen for a full term, as the case may be, to succeed those whose terms expire."

"Section 10. Every corporation organized under this Act shall have a President, Secretary and Treasurer, who shall be chosen by the Directors or stockholders, as the by-laws may direct; and shall hold their offices until their successors are chosen and qualified; the President shall be chosen from among the Directors; the Secretary shall be sworn to the faithful discharge of his duty, and shall record all the proceedings of the meetings of the corporation and directors in a book to be kept for that purpose, and perform such other duties as shall be assigned to him; the Treasurer may be required to give bond in such sum and with such surety or sureties as shall be provided by the by-laws, for the faithful discharge of his duty."

The Secretary and Treasurer may or may not be the same person, and if the corporation have a Vice-President, he may, if deemed advisable by the Directors, hold the offices of Vice-President.

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dent and Treasurer, or Vice-President and Secretary, but not the offices of Vice-President, Secretary and Treasurer.

Other officers The corporation may have such other officers, agents and factors as may be deemed necessary, who shall be chosen in such manner and hold their offices for such terms as may be prescribed by the by-laws, or determined by the Board of Directors, and may secure the fidelity of any or all of such officers by bond or otherwise; and may also provide by the by-laws for the qualification of any or all of such officers before any person authorized by law to administer an oath.

Failure to elect not to dissolve A failure to elect annually a President, Secretary, Treasurer or other officers shall not dissolve a corporation.

Vacancies, how filled. Any vacancy occurring in the office of President, Secretary or Treasurer by death, resignation, removal or otherwise, shall be filled in the manner provided for in the by-laws; in the absence of such provision, such vacancy shall be filled by the Board of Directors."

First meeting "Section 11. The first meeting of every corporation shall be called by a notice signed by a majority of the incorporators named in the certificate of incorporation, designating the time, place and purpose of the meeting; and such notice shall, at least two weeks before the time of any such meeting, be published three times in some newspaper of the county where the corporation may be established or have its principal place of business, or said first meeting may be called without such publication of notice, if two days' notice be personally served on all the parties named in the certificate of incorporation, or if all the parties named in the certificate of incorporation shall, in writing, waive notice and fix a time and place of meeting, then no notice of publication whatever shall be required of such first meeting."

Notice.

Waiver of notice.

By-laws-making, alteration, &c. "Section 12. The power to make and alter by-laws shall be in the stockholders, but any corporation may, in the certificate of incorporation, confer that power upon the directors. By-laws made by the directors under power so conferred may be altered or repealed by the directors or stockholders."

Class of stock "Section 13. Every corporation shall have power to create two or more kinds of stock of such classes, with such designations, preferences and voting powers, or restriction or qualification thereof, as shall be stated and expressed in the certificate of

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incorporation; and the power to increase or decrease the stock, as in this Act elsewhere provided, shall apply to all or any of the classes of stock; but at no time shall the total amount of the preferred stock exceed two-thirds of the actual capital paid in cash or property; and such preferred stock may, if desired, be made subject to redemption at not less than par, at a fixed time and price, to be expressed in the certificate thereof, and the holders thereof shall be entitled to receive, and the corporation shall be bound to pay thereon a fixed yearly dividend, to be expressed in the certificate, not exceeding eight per centum, payable quarterly, half yearly or yearly, before any dividend shall be set apart or paid on the common stock, and such dividends may be made cumulative; and in no event shall a holder of preferred stock be personally liable for the debts of the corporation; but in case of insolvency, its debts or other liabilities shall be paid in preference to the preferred stock. Unless its original certificate of incorporation shall otherwise provide, no corporation shall create preferred stock, except by authority given to the Board of Directors by a vote of at least two-thirds of the stock voted at a meeting of the common stockholders, duly called for that purpose, the terms "General Stock" and "Common Stock" are synonymous.

Proportion.

Dividends.

Liabilities.

General Stock. Common Stock synonymous.

"Section 14. Any corporation existing under any law of this State may issue stock for labor done or personal property or real estate or leases thereof; in the absence of fraud in the transaction, the judgment of the directors as to the value of such labor, property, real estate or leases shall be conclusive."

Stock for labor, property &c.

"Section 15. Every stockholder shall have a certificate under the seal of the corporation signed by the President and Treasurer, certifying the number of shares owned by him in such corporation."

Stockholders certificate—how signed.

"Section 16. The shares of stock in every corporation shall be deemed personal property and transferable on the books of the corporation in such manner and under such regulations as the by-laws provide; provided, however, that no stock or bonds issued by any corporation organized under this Act shall be taxed by this State when the same shall be owned by non-residents of this State, or by foreign corporations. Whenever any transfer of shares shall be made for collateral security, and not absolutely, it shall be so expressed in the entry of the transfer."

Stock personal property transferable.

Bonds of foreign stockholders not taxable by this State.

Collateral transfer.

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Voting of
stockholders,
One vote for
each share of
capital stock

"Section 17. Unless otherwise provided in the chartter, certificate or by-laws of the corporation, each stockholder, whether resident or non-resident, shall at every election be entitled to one vote in person or by proxy for each share of the capital stock held by him, but no proxy shall be voted on after three years from its date; nor shall any share of the stock be voted on at any election which has been transferred on the books of the corporation within twenty days next preceding such election."

Voting stock
held by fidu-
ciary or
pledged stock.

"Section 18. Persons holding stock in a fiduciary capacity shall be entitled to vote the shares so held, and persons whose stock is pledged shall be entitled to vote, unless in the transfer by the pledgor on the books of the corporation he shall have expressly empowered the pledgee to vote thereon, in which case only the pledgee, or his proxy may represent said stock and vote thereon."

Corporations
stock not to
be voted.

"Section 19. Shares of stock of the corporation belonging to the corporation shall not be voted upon directly or indirectly."

Liability of
stockholders,
for assessment
on unpaid
stock to pay
debts.

"Section 20. When the whole capital stock of a corporation shall not have been paid in, and the assets shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of the par value of such share as fixed by the charter of the company or its certificate of incorporation, or such proportion of that sum as shall be required to satisfy the debts of the company, which said sum or proportion thereof may be recovered as provided for in Section 49 of this Act as amended, after a writ of execution against the corporation has been returned unsatisfied, as provided for in Section 51 of this Act as amended."

Additional
Subscriptions
to Capital
stock.

"Section 21. When any corporation is authorized to commence business, the directors may, if its whole capital stock has not been subscribed, open books for additional subscriptions to its capital stock.

Payment of
Capital stock.

The capital stock of a corporation shall be paid in such amounts and at such times as the directors may require. And the directors may, from time to time, assess upon each share of stock not fully paid up, such sum of money, as the necessities of the business may, in the judgment of the Board of Directors, require, not exceeding in the whole the balance remaining unpaid

Assessment
of unpaid
stock.

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on said stock, up to the par value thereof, and such sum so assessed shall be paid to the Treasurer at such times and by such installments or calls as the directors shall direct, the said directors having given at least thirty days' notice of the time and place of such payments in a newspaper of the county in this State where such corporation is established, or has its principal place of business, or by written notice mailed at least thirty days before the time for such payment, to each stockholder at his last known post office address."

To be paid to
Treasurer.

Notice of
payment.

"Section 22. When any stockholder fails to pay any installment or call upon his stock which may have been properly assessed thereon by the directors, at the time when such payment is due, the directors may collect the amount of such installments or call any balance thereof remaining unpaid, from the said stockholder by an action at law, or they shall sell at public sale such part of the shares of such delinquent stockholder as will pay all assessments then due from him with interest and all incidental expenses, and shall transfer the shares so sold to the purchaser, who shall be entitled to a certificate therefor. Notice of the time and place of such sale and of the sum due on each share shall be given by advertisement for three weeks successively; once in each week before the sale, in a newspaper of the county in this State where such corporation is established, or has its principal place of business, and such notice shall be mailed by the Treasurer of the corporation to such delinquent stockholder at his last known post office address, at least twenty days before such sale. If no bidder can be had to pay the amount due on the stock, and if the amount is not collected by an action at law, brought within the county where such corporation is established or has its principal place of business, within one year from the date of the bringing such action at law, the said stock shall be forfeited to the corporation and the amount previously paid in by the delinquent on the stock shall be forfeited to the corporation."

Failure of
stockholder
to pay.

Sale of stock.

Notice.

Forfeiture of
stock.

"Section 23. The President with the Secretary or Treasurer of every corporation organized under this Act, upon payment of each installment or call of capital stock, and upon payment of each installment or call of every increase thereof, shall make a certificate, stating the amount of the installments or calls so paid, and whether paid in cash or by the purchase of property, stating also the total amount of capital stock, if any previously paid and reported, which certificate shall be signed and sworn or

Certificate of
payment of
stock.

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Authentication. affirmed to by the President and Secretary or Treasurer, and they shall within thirty days after the making of such payment or payments cause the certificate to be filed in the office of the Secretary of State."

Filing.

Liability of officers for failure to file certificate of payment of Capital stock. "Section 24. If any of the said officers shall neglect or refuse to perform the duties required of them in the preceding section for thirty days after written request so to do by a creditor or stockholder of the corporation, they shall be jointly and severally liable for all its debts contracted after the making of such payments as provided for in the preceding section and before the filing of such certificate."

Amending certificate before payment of capital stock. "Section 25. It shall be lawful for the incorporators of any corporation, before the payment of any part of its capital, to file with the Secretary of State an amended certificate, duly signed by the incorporators named in the original certificate of incorporation, and duly acknowledged in the manner in this Act required for certificates of incorporation, in this Act heretofore provided for, modifying, changing, or altering its original certificate of incorporation in whole or in part; and said Secretary of State shall furnish a certified copy of said certificate under his hand and seal of office, and said certified copy shall be recorded in the office of the Recorder of the county in which its original certificate of incorporation was recorded; said amended certificate shall take the place of the original certificate of incorporation, and shall be deemed to have been filed and recorded on the date of the filing and recording of the original certificate; provided, however, that nothing herein contained shall permit the insertion of any matter not in conformity with the provisions of this Act."

Certified copy for Recorder.

Changes and amendments in charters of incorporation "Section 26. Any corporation of this State existing prior to the passage of this amendatory Act, whether created by special Act, or general law, or any corporation created under the provisions of this Act, may, from time to time, when and as desired, amend its charter of incorporation, either by addition to its corporate powers and purposes, or diminution thereof; or by substitution of other powers and purposes, in whole or in part, for those prescribed by its charter; or by increasing or decreasing its authorized capital stock; or by changing its corporate title.

How made. Every such amendment shall be made and effected in manner following, to wit:

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1. If the corporation has a capital stock, its board of directors shall adopt a resolution setting forth the amendment proposed, declaring its advisability, and calling a meeting of the stockholders for consideration thereof. Said meeting shall be called and held upon such notice as the corporation's charter or by-laws provide, and in the absence of such provision, upon notice thereof, either delivered to the stockholder or mailed to the stockholder's post office address, if known, at least ten days before the date fixed for said meeting. At said meeting, a vote of the stockholders by ballot, in person or by proxy, shall be taken for and against the proposed amendment, which vote shall be conducted by two judges appointed for that purpose either by the directors or by the said meeting. Said judges shall decide upon the qualification of voters, and when the vote is completed, count and ascertain the number of shares voted respectively for and against said amendment, and declare whether the persons or bodies corporate holding the majority of the stock of said corporation (or of each class of stock, if there be more than one) have voted for or against the proposed amendment; and shall make out certificates accordingly in duplicate, stating the number of shares of stock voted for and against the amendment respectively, and subscribe and deliver the same to the Secretary of the corporation. If it shall appear by said certificates of the judges that the persons or bodies corporate holding the majority of the stock of said corporation (or of each class of stock, if there be more than one) have voted in favor of the amendment, thereupon, the said corporation shall make, under its corporate seal, and the hands of its President and Secretary, a certificate accordingly, and the President shall duly execute the same before an officer authorized by the laws of this State to take acknowledgments of deeds; and the said certificate, so executed and acknowledged with one of the said judges' duplicate certificates attached, shall be filed in the office of the Secretary of State, and a copy thereof certified by said Secretary of State shall be recorded in the office of the Recorder of the county in which the original charter of incorporation is recorded; or if the corporation shall have been created by special public Act of the Legislature, then said certificate shall be recorded in the office of the Recorder of any county where the business of the said corporation may be conducted. And upon so filing and recording the same, the charter of said corporation shall be deemed to be amended accordingly. Provided, however,

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that no corporation shall decrease its authorized capital stock without paying or adequately securing such of its debts as are not then fully secured.

2. If the corporation has no capital stock, then the Board of Directors, managers, trustees, or the governing body thereof, shall pass a resolution declaring that such amendment, addition, change or alteration is advisable, and if at the next meeting, held not earlier than fifteen days and not later than thirty days from the meeting at which such resolution shall have been passed, two-thirds of the whole number of the said Board of Directors, managers, trustees, or the governing body, shall vote in favor of such amendment, addition, change or alteration, a certificate thereof shall be signed by the President and Secretary under the corporate seal, acknowledged by said President and Secretary before any officer authorized by the laws of this State to take acknowledgments of deeds, to be the Act and deed and certificate of such corporation, and such certificate acknowledged as aforesaid, together with the assent of two-thirds of the whole number of the members of the said Board of Directors, managers, trustees, or governing body in writing, shall be filed in the office of the Secretary of State, and a copy thereof duly certified by the Secretary of State shall be recorded in the office of the Recorder of the county in which the original charter of incorporation is recorded; or, if the corporation shall have been created by a special public Act of the Legislature, then said certificate shall be recorded, as above provided, in the county where said corporation has its principal place of business; and upon so filing and recording the same, the charter of incorporation shall be deemed to be amended accordingly."

Increase of
Capital Stock.

"Section 27. Every corporation organized under the provisions of this Act may, at any meeting, increase its capital stock, and the number of shares therein, until it shall reach the amount named in the original certificate."

Reduction of
Capital Stock

"Section 28. Any corporation organized under this Act may reduce its capital stock at any time by a vote of, or by the written consent of stockholders representing two-thirds of its capital stock, and after notice of the proposed decrease has been mailed to the address of each stockholder at least twenty days before the meeting is held for that purpose; and a statement of the reduction shall be signed and acknowledged by the President

Notice.

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and a majority of the directors, and shall be filed and a certified copy thereof recorded in the same manner as certificates of incorporation are required to be. No such reduction, however, shall be made in the stock of any corporation until all its debts which are not otherwise fully secured shall have been paid and discharged.

Certificate to
be filed and
recorded.

The decrease of capital stock issued may be effected by retiring or reducing any class of the stock, or by drawing the necessary number of shares by lot for retirement, or by the surrender of every shareholder of his shares, and the issue to him in lieu thereof of a decreased number of shares, or by the purchase at not above par of certain shares for retirement, or by retiring shares owned by the corporation or by reducing the par value of shares; and when any corporation shall decrease the amount of its capital stock hereinbefore provided, the certificate decreasing the same, shall be published for three weeks successively at least once in each week, in a newspaper published in the county in which the principal office of the corporation is located; the first publication to be made within fifteen days after the filing of such certificate, and in default thereof the directors of the corporation shall be jointly and severally liable for all the debts of the corporation contracted before the filing of the said certificate, and the stockholders shall also be liable for such sums as they may respectively receive of the amount so reduced; provided, no such decrease of capital stock shall release the liability of any stockholder whose shares have not been fully paid, for debts of the corporation theretofore contracted."

How effected.

Publication of
certificate.

Liability.

"Section 29. After the first election of directors no stock shall be voted on at any election which shall have been transferred on the books of the company within twenty days next preceding such election, and it shall be the duty of the officer who shall have charge of the stock ledger to prepare and make, at least ten days before every election, a complete list of stockholders entitled to vote, arranged in alphabetical order. Such list shall be open at the place where said election is to be held for said ten days, to the examination of any stockholder, and shall be produced and kept at the time and place of election during the whole time thereof, and subject to the inspection of any stockholder who may be present. Upon the neglect or refusal of the said directors to produce such list at any election they shall be ineligible to any office at such election. The original or dupli-

Voting.

Alphabetic
list of stock-
holders.

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Evidence of who are stock holders. cate stock ledger shall be the only evidence as to who are stockholders entitled to examine such list or the books of the company, or to vote in person or by proxy, at such election. The original or duplicate stock ledger containing the names and addresses of the stockholders, and the number of shares held by them, respectively, shall, at all times, during the usual hours for business, be open to the examination of every stockholder at its principal office or place of business in this State, and said original or duplicate stock ledger shall be evidence in all courts of this State.

Original or duplicate stock ledger, evidence.

Certificate of incorporation may confer upon holders of bonds or debentures voting powers of stockholders. Every corporation, now or hereafter organized under and pursuant to the provisions of this Act, may make suitable provision in its certificate of incorporation, original or amended, and thereby to the extent, in the manner and subject to the conditions provided in the certificate of incorporation confer upon the holders of any bonds or debentures issued or to be issued by any such corporation, whether secured by mortgage or otherwise, the power to vote in respect to the corporate affairs and management of the company to the same extent and in the same manner as stockholders of the said corporation, as may be provided in the certificate of incorporation and, in case of a default in the payment of the principal or interest on said bonds or otherwise, or in any other case, confer upon such bondholders the same right of inspection of the corporate books and accounts and records of any such company, and also any other rights, which the stockholders of the said company have or may have by reason of the provisions of the statutes of this State or pursuant to the provisions of the certificate of incorporation."

Election of Directors.

First meeting for.

Notice of change of election.

"Section 30. All elections of directors shall be by ballot, unless otherwise provided in the charter or the certificate of incorporation. The first meeting for the election of directors, at which meeting any business may be transacted, shall be held at any place either within or without this State fixed by a majority of the incorporators in a writing signed by them and thereafter the said directors shall be elected at the time and place within or without this State named in the by-laws, and which shall not be changed within sixty days next before the day on which the election is to be held. A notice of any change shall be given to each stockholder twenty days before the election is held, in person or by letter mailed to his last known post office address.

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Any vacancy in the Board of Directors shall be filled by the board, unless otherwise provided in the by-laws, and the directors so appointed shall hold office until the next annual election and until their successors shall be duly elected and qualified."

Vacancy in Board of Directors.
How filled.

"Section 31. If the election for directors of any corporation shall not be held on the day designated by the by-laws, the directors shall cause the election to be held as soon thereafter as conveniently may be; no failure to elect directors at the designated time shall work any forfeiture or dissolution of the corporation, but the Chancellor may summarily order an election to be held upon the application of any stockholder, and may punish the directors for contempt of Court for failure to obey the order."

Failure to elect directors not to work forfeiture of Corporation.
Power of Chancellor.

"Section 32. That in all cases after the first meeting of the incorporators, where it is not otherwise provided by the by-laws, the meetings of the stockholders of every corporation shall be held at its principal office in this State. The stockholders and directors may, however, hold their meetings and have an office or offices outside of this State if the by-laws so provide; and every corporation shall maintain a principal office or place of business in this State and shall have an agent, resident of this State, in charge thereof."

Subsequent meetings.
May hold meetings and have offices outside of this State.
Principal office in this State.
Agent.

"Section 33. Every corporation organized under this Act shall have in a conspicuous place on its principal office, place or places of business, in letters sufficiently large to be easily read, painted or printed the corporate name of such corporation. And every such corporation which shall fail or refuse to comply with the provisions of this section shall be subject to a fine of not less than one hundred dollars and not more than five hundred dollars, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law to be prosecuted by the Attorney-General."

Name of Corporation to be displayed on principal places of business.
Failure.
Fine.

"Section 34. The Directors of every corporation created under this Act shall have power, after reserving over and above its capital stock paid in, such sum, if any, as shall have been fixed by the stockholders, to declare a dividend among its stockholders of the whole of its accumulated profits, in excess of the amount so reserved, and pay the same to such stockholders on demand; provided, that the corporation may, in its certificate of incorporation, or in its by-laws, give the Directors power to fix the amount to be reserved."

Directors may declare dividends.

Certificate may fix the amount to be reserved as working capital.

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- Dividends to be made only from net profits.** "Section 35. No corporation created under the provisions of this Act, nor the directors thereof, shall make dividends except from the surplus or net profits arising from its business. Dividends may be paid in cash or capital stock at par, but otherwise the corporation shall not divide, withdraw, or in any way pay to the stockholders, or any of them, any part of its capital stock, or
- Reduction of Capital stock.** reduce its capital stock, except according to this Act, and in case of any violation of the provisions of this section the directors under whose administration the same may happen shall be jointly
- Liability.** and severally liable in an action on the case at any time within six years after paying such dividend to the corporation and to its creditors or any of them in the event of its dissolution or insolvency, to the full amount of the dividend made or capital stock so divided, withdrawn, paid out, or reduced, with interest on the same from the time such liability accrued; provided, that any director who may have been absent when the same was done or who may have dissented from the act or resolution by which the same was done, may exonerate himself from such liability by causing his dissent to be entered at large on the books containing the minutes of the proceedings of the directors at the time the same was done, or forthwith after he shall have notice of the same, and by causing a true copy of said dissent to be published, within two weeks after the same shall have been so entered, in a newspaper published in the county where the corporation has its principal office."
- Absent Director not liable nor, if present, by entering dissent upon books of proceedings.**
- Must publish dissent.**
- Stock of company not to be collateral for loans to officers or stockholders.** "Section 36. No corporation created under this Act shall make any loan of money to any officer of such corporation, nor shall any loan be made to a stockholder upon the security of the stock of the corporation, and if any such loan be made, the officer or officers who make it or assent thereto shall be jointly and severally liable until the repayment of the sum so loaned with interest. Nor shall any corporation take as security for any debts a lien upon any part of its capital stock, or be the holder or purchaser of any part thereof, unless such lien or purchase shall be necessary to prevent loss upon a debt previously contracted. Provided, however, that the provisions of this section shall not apply to corporations organized exclusively as Building and Loan Associations."
- Violation.**
- Liability.**
- Capital stock shall not be security for debts.**
- Exceptions.**
- False statements.** "Section 37. If the directors or officers of any corporation, organized under the provisions of this Act, shall knowingly cause to be published or given out any written statement or report of

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the condition or business of the corporation that is false in any material respect, the officers and directors causing such report or statement to be published, or given out, or assenting thereto, shall be jointly and severally, individually liable for any loss or damage resulting therefrom." Liability for.

"Section 38. Before the payment of any part of the capital and before beginning business for which the corporation was created, the incorporators named in any certificate of incorporation may surrender all their corporate rights and franchises, by filing in the office of the Secretary of State a certificate, verified by the oath or affirmation of a majority of the incorporators named in the certificate of incorporation, that no part of the capital has been paid and such business has not been begun, and surrendering all rights and franchises, and thereupon the said corporation shall be dissolved." Surrender of Corporate rights before beginning business.

"Section 39. If it should be deemed advisable, in the judgment of the Board of Directors, and most for the benefit of any corporation organized under this Act, that it should be dissolved, the board, within ten days after the adoption of a resolution to that effect by a majority of the whole board at any meeting called for that purpose, of which meeting every director shall have received at least three days' notice, shall cause notice of the adoption of such resolution to be mailed to each stockholder residing in the United States, and also, beginning within said ten days, cause a like notice to be inserted in a newspaper published in the county wherein the corporation shall have its principal office, at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of the stockholders to be held at the office of the corporation, to take action upon the resolution so adopted by the Board of Directors, which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may be on the day so appointed, by consent of a majority in interest of the stockholders present, be adjourned from time to time, for not less than eight days at any one time, of which adjourned meeting notice by advertisement in said newspaper shall be given; and if at any such meeting two-thirds in interest of all the stockholders shall consent that a dissolution shall take place and signify their consent in writing, such consent, together with a list of the names and residences of the directors and officers, certified by the president and secretary and treasurer, shall be Dissolution.
How affected.
Notice.
Meeting of stockholders.
Consent of two-thirds in interest.
Certificate thereof, &c., to be filed.

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Publication of
certificate of
dissolution

filed in the office of the Secretary of State, who, upon being satisfied by due proof that the requirements aforesaid have been complied with, shall issue a certificate that such consent has been filed, and the Board of Directors shall cause such certificate to be published four weeks successively, at least once a week, in a newspaper published in said county; and upon the filing in the office of the Secretary of State of an affidavit of the manager or publisher of the said newspaper that said certificate has been published four weeks successively, and at least once a week in said newspaper, the corporation shall be dissolved.

Waiver of
notice.

Whenever all the stockholders shall consent in writing to a dissolution, no meeting or notice thereof shall be necessary, but on filing said consent in the office of the Secretary of State, he shall forthwith issue a certificate of dissolution, which shall be published as above provided."

Continuance
of corporate
existence for
closing busi-
ness of corpora-
tion.

"Section 40. All corporations, whether they expire by their own limitation, or are otherwise dissolved, shall, nevertheless, be continued for the term of three years from such expiration or dissolution bodies corporate for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their business, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which said corporation shall have been established."

Directors of
Corporation
upon dissolution
thereof
to be trustees,
&c.

"Section 41. Upon the dissolution of any corporation under the provisions of Section 39 of this Act as amended, the directors, or the governing body, by whatever name it may be known, shall be trustees thereof, with full power to settle the affairs, collect the outstanding debts, sell, and convey the property, real and personal, and divide the moneys and other property among the stockholders, after paying its debts."

Power of trustees
aforesaid.

"Section 42. The persons constituted trustees as aforesaid shall have authority to sue for and recover the aforesaid debts and property, by the name of the trustees of such corporation, describing it by its corporate name, and shall be sueable by the same name for the debts owing by such corporation at the time of its dissolution, and shall be jointly and severally responsible for such debts, to the amounts of the moneys and property of such corporation which shall come into their hands or possession."

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"Section 43. When any corporation organized under this Act shall be dissolved in any manner whatever, the Court of Chancery, on application of any creditor or stockholder of such corporation, at any time, may either continue such directors, trustees as aforesaid, or appoint one or more persons to be receivers of and for such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation, or otherwise, all such suits as may be necessary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by such corporation, if in being, that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such trustees or receivers may be continued as long as the Chancellor shall think necessary for the purposes aforesaid."

Court of Chancery, upon application may continue directors or appoint receivers.

Duties.

"Section 44. The Court of Chancery shall have jurisdiction of said application and of all questions arising in the proceedings thereon, and may make such orders and decrees and issue injunctions therein as justice and equity shall require."

Jurisdiction of Chancellor.

"Section 45. The said trustees or receivers after payment of all allowances, expenses and costs, and the satisfaction of all special and general liens upon the funds of the corporation to the extent of their lawful priority, shall pay the other debts due from the corporation, if the funds in their hands shall be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the Court for that purpose; and if there shall be any balance remaining after the payment of such debts and necessary expenses, they shall distribute and pay the same to and among those who shall be justly entitled thereto, as having been stockholders of the corporation, or their legal representatives."

Application of assets.

Section 2. That Sections 41, 42, 43, 44 and 45 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "46," "47," "48," "49" and "50."

Amendment of Sections.

Section 3. That Section 46 of said Chapter 273, as printed

Section 46 amended.

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and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "46" on the first line of said Section, and by inserting in lieu thereof the figures "51;" and that said Section be and the same is hereby further amended by striking out the words "sale or other satisfaction shall be had of the property of" on the first and second lines of said Section, and by inserting in lieu thereof the words "suit shall be brought against;" and also by striking out all of said Section after the word "unsatisfied" on the fifth line thereof.

**Amendment
of Sections.**

Section 4. That Sections 47, 48, 49, 50, 51, 52 and 53 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the figures "47," "48," "49," "50," "51," "52" and "53" on the first line of said Sections, respectively, and by inserting in lieu thereof, respectively, the figures "52," "53," "54," "55," "56," "57" and "58."

Section 5. That said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out of said Chapter 273 Section 54, and by inserting in lieu thereof the following Section:

**Consolidation
or merger of
corporations.**

"Section 59. Any two or more corporations organized under the provisions of this Act, or existing under the laws of this State, for the purpose of carrying on any kind of business, may consolidate into a single corporation which may be either one of said consolidated corporations, or a new corporation to be formed by means of such consolidation; the directors, or a majority of them, of such corporation, as desire to consolidate, may enter into an

Agreement of

agreement signed by them, and under the corporate seals of the respective corporations, prescribing the terms and conditions of consolidation, the mode of carrying the same into effect, and stating such other facts as are necessary to be set out in Articles of Incorporation, as provided in this Act, as well as the manner of converting the shares of each of the old corporations into the new, with such other details and provisions as are deemed necessary.

**Submission
thereof to
stockholders
Meeting.
Notice.
Publication**

Said agreement shall be submitted to the stockholders of each corporation, at a meeting thereof, called separately for the purpose of taking the same into consideration; of the time, place and object of which meeting due notice shall be given by publication at least once a week for four successive weeks in one or more

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newspapers published in the county wherein each corporation either has its principal office or conducts its business, and a copy of such notice shall be mailed to the last known postoffice address of each stockholder of each corporation, at least twenty days prior to the date of such meeting, and at said meeting said agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if the votes of stockholders of each corporation representing two-thirds in amount of its capital stock shall be for the adoption of the said agreement, then that fact shall be certified on said agreement by the secretary of each corporation, under the seal thereof; and the agreement so adopted and certified shall be signed by the President and Secretary of each of said corporations under the corporate seals thereof and acknowledged by the President of each of such corporations before any officer authorized by the laws of this State to take acknowledgments of deeds to be the respective act, deed and agreement of each of said corporations and the agreement so certified and acknowledged shall be filed in the office of the Secretary of State, and shall thence be taken and deemed to be the agreement and act of consolidation of the said corporations; and a copy of said agreement and act of consolidation, duly certified by the Secretary of State under the seal of his office, shall also be recorded in the offices of the Recorders of the counties of this State in which the respective corporations so consolidating shall have their original charters recorded, or if any of the corporations shall have been specially created by a public Act of the Legislature, then said agreement shall be recorded in the county where such corporation shall have had its principal place of business, and such record, or a certified copy thereof, shall be evidence of the existence of the corporation created by the said agreement, and of the observance and performance of all antecedent acts and conditions necessary to the creation thereof."

Certification
of agreement

To be filed in
office of Secretary
of State.

Certified copy
thereof for
recording

Section 6. That Sections 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66 and 67 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "60," "61," "62," "63," "64," "65," "66," "67," "68," "69," "70" and "71."

Amendments
of Sections.

Section 7. That Section 68 of said Chapter 273, as printed

Section 68
amended

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and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "68" in the first line thereof, and by inserting in lieu thereof the figures "72;" and that said Section be and the same is hereby further amended by adding at the end thereof the following: "and every such association may take, as collateral security for such loans, shares of its own capital stock."

Sections 69
and 70 amend-
ed

Section 8. That Section 69 and 70 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Section, and by inserting in lieu thereof, respectively, the figures "73" and "74."

Amendments

Section 9. That Section 71 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "71" in the first line of said Section and by inserting in lieu thereof the figures "75;" and by striking out the figures "69" and "70" in the second line of said Section, and by inserting in lieu thereof the figures "73" and "74," respectively, and by inserting the words "as amended" after the words "Act" in said second line of said Section.

Amendments

Section 10. That Sections 72, 73, 74 and 75 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Section, and by inserting in lieu thereof, respectively, the figures "76," "77," "78" and "79."

Amendments

Section 11. That Sections 77, 78, 79 and 80 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "80," "81," "82" and "83."

Amendments

Section 12. That Section 81 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the said figures in the first line of said Section, and by inserting in lieu thereof, the figures "84," and by striking out the figures "79" in the fourth line thereof and the figures "78" in the twelfth line thereof and by inserting in lieu thereof, respectively, the figures "82" and "81;"

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and by inserting the words "of this Act as amended" immediately after the said figures "82," and immediately after the said figures "81."

Section 13. That Sections 82, 83, 84, 85, 86 and 87 of said ^{Amendments} Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "85," "86," "87," "88," "89" and "90."

Section 14. That Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out of said Chapter 273, Section 88, and by inserting in lieu thereof the following Section, numbered as follows, viz.:

"Section 91. It shall be lawful for any railroad company of ^{Consolidation of railroads} this State, whether created by prior special Act, or under this Act, to consolidate with any other railroad company incorporated under the laws of this State or any other State, or of the United States, whose railroad within or without this State shall connect, or form a continuous line, with the railroad of the company so consolidated. Such consolidation shall be made in ^{How made} the manner and by the proceeding in this Act prescribed; and the corporation created thereby shall be possessed of, exercise and enjoy all the rights, powers and privileges which this Act confers ^{Rights, powers and privileges} upon consolidated companies; and it shall likewise be possessed of, exercise and enjoy all the franchises, rights, powers, privileges, immunities and benefits which any corporation of this State constituent thereof was possessed of or entitled to exercise under its charter or any law of this State; and shall be subject, within this State, to the conditions and restrictions imposed by its charter on any corporation of this State constituent thereof."

Section 15. That Sections 89, 90, 91 and 92 of said Chapter ^{Amendments} 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "92," "93," "94" and "95."

Section 16. That Section 93 of said Chapter 273, as printed ^{Amendments} and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "93" in the

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first line of said Section, and the figures "85," "89," "90," "91" and "92" in the third line thereof, and by inserting in lieu thereof, respectively, the figures "96" in said first line and the figures "88," "92," "93," "94" and "95" in said third line; and by inserting the words "as amended" after the word "Act" in said third line.

Section 17. That Sections 94, 95, 96, 97, 98, 99 and 100 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "97," "98," "99," "100," "101," "102" and "103."

Section 101
amended

Section 18. That Section 101 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the said figures in the first line of said Section, and by inserting in lieu thereof the figures "104;" and that said Section be and the same is hereby further amended by adding after the word "water" on the fifth line the following words: "and every corporation organized as aforesaid for the transportation and storage of oil;" and by further striking out the word "water" in the seventh, tenth and seventeenth lines of said Section. And that said Section be and the same is hereby further amended by inserting between the word "any" and the word "city" the word "county," and by inserting the word "county" between the word "the" at the end of line fifteen and the word "city" at the beginning of line sixteen, and by inserting the word "the" and the word "cities" in the thirteenth line the word "counties," and by inserting between the word "the" and the word "district" in line thirty-three the words "county, city, town or;" and that said Section be and the same is hereby further amended by adding thereto at the end thereof the following, to wit: "Any such company mentioned in this Section may take lands, easements and rights of way, for locating, constructing, maintaining, and operating its pumps, pump-houses and stations, tanks and reservoirs, hydrants and delivery stations, and offices, and for laying down its pipes, tubes, conduits, connections and branches from any points to any other points in the State, and for all necessary purposes of the corporation, including the right to cross any railroad, and the right to appropriate a right of way and locate its pipes, tubes or conduits upon, over or under, and across any lands, water, streams, rivulets,

Additional
powers

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canal, roads, turnpike roads or other highway in such manner as shall not interfere with the ordinary use of the same; provided that in crossing any rivulet or other stream, the pipes, tubes and conduits shall be laid and securely suspended above flood lines, or laid beneath the bed of any rivulet or other stream so crossed.

Any company occupying any lands cleared and used for agricultural purposes, by laying thereon, or thereunder any of its pipes, tubes, or conduits, shall bury the same at least twenty-four inches below the surface if so required by the owner of the land.

In case any corporation mentioned in this Section desiring ^{Assessment of damages} to acquire, occupy or use any lands in this State for its corporate use, cannot agree with the owner or owners thereof as to the terms and conditions of such acquisition, occupancy, or use, and the value, compensation or damages to be paid for such acquisition, occupancy or use, it shall have the right to acquire, use and hold such lands in like manner as is provided in Section 81 of this Act as amended for acquiring lands for the location, construction and maintenance of railroads."

Section 19. That Sections 102, 103 and 104 of said Chapter ^{Amendments} 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said sections, and by inserting in lieu thereof, respectively, the figures "105," "106" and "107."

Section 20. That Section 105 of said Chapter ^{Amendments} 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "105" in the first line of said Section, and the figures "103" and "104" in the second line thereof, and by inserting in lieu thereof, respectively, the figures "108" on the said first line and the figures "106" and "107" on the second line thereof; and by inserting the words "as amended" after the word "Act" in said second line.

Section 21. That Section 106 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the said figures in the first line of said Section, and by inserting in lieu thereof the figures "109."

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Amendments Section 22. That Section 107 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "107" in the first line thereof, and the figures "74" in the sixth line thereof, and by inserting in lieu thereof, respectively, the figures "110" in the said first line, and the figures "78" in the said sixth line; and by inserting the words "as amended" after the word "Act" in said sixth line.

Amendments Section 23. That Section 108 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "108" in the first line thereof, and by inserting in lieu thereof the figures "111."

Amendments Section 24. That Section 110 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the said figures in the first line thereof, and by inserting in lieu thereof the figures "112."

Amendments Section 25. That Section 111 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "111" in the first line of the said Section, and the figures "78" in the seventh line thereof, and by inserting in lieu thereof, respectively, the figures "113" in the said first line, and the figures "81" in the said seventh line, and by inserting the words "as amended" after the word "Act" in said seventh line.

Amendments Section 26. That Sections 112 and 113 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "114" and "115."

Amendments Section 27. That Section 114 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "114" in the first line of the said Section, and the figures "112" in the fourth line thereof, and the figures "78" in the twelfth line thereof, and by inserting in lieu thereof, respectively, the figures "116" in the said first line, "114" in said fourth line, and the figures "81" in the said twelfth line, and by inserting the words "of this Act as amended" immediately after said figures "114," and also imme-

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diately after said figures "81."

Section 28. That Sections 115 and 116 of said Chapter 273, ^{Amendments} as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "117" and "118."

Section 29. That Section 117 of said Chapter 273, as printed ^{Amendments} and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "117" and "84" in the first line of the said Section, and by inserting in lieu thereof, respectively, the figures "119" and "87;" and by inserting the words "as amended" after the word "Act" in said first line..

Section 30. That Sections 118, 119 and 120 of said Chapter ^{Amendments} 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "120," "121" and "122."

Section 31. That said Chapter 273, as printed and published in Volume 21, Laws of Delaware, be and the same is hereby amended by striking out of said Chapter 273, Section 121, and by inserting in lieu thereof the following Section, numbered as follows, viz.:

"Section 123. It shall be lawful for any railway company ^(consolidation of railways) of this State, whether created by prior special Act, or under this Act, to consolidate with any other railway incorporated under the laws of this State or any other State, or of the United States, whose railway within or without this State shall connect, or form a continuous line, with the railway of the company so consolidated. Such consolidation shall be made in the manner and ^{How made} by the proceeding in this Act prescribed; and the corporation created thereby shall be possessed of, exercise and enjoy all the rights, powers and privileges which this Act confers upon consolidated companies; and it shall likewise be possessed of, exercise and enjoy all the franchises, rights, powers, privileges, immunities and benefits which any corporation of this State ^{Rights, powers and privileges} constituent thereof was possessed of or entitled to exercise under its charter or any law of this State; and shall be subject, within this State, to the conditions and restrictions imposed by its charter,

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or any corporation of this State, constituent thereof."

Amendments Section 32. That Section 122 of the said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the said figures in the first line of said Section, and by inserting in lieu thereof the figures "124."

Amendments Section 33. That Section 123 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "123" in the first line thereof and by inserting in lieu thereof the figures "125;" and that said Section be and it is hereby further amended by striking out the words "now laid" in the last line thereof, and inserting in lieu thereof the words "laid and the road is in operation at the time when such authority or consent is asked for."

Amendments Section 34. That Sections 124, 125 and 126 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "126," "127" and "128."

Amendments Section 35. That Section 127 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "127" in the first line thereof and by inserting in lieu thereof the figures "129;" and that said Section be and the same is hereby further amended by striking out the words "other than those authorizing increase of capital stock," being all the words in the parenthesis on lines sixteen and seventeen of said Section, and by inserting in lieu thereof the words "increase or," and also by inserting after the words "twenty dollars" on the nineteenth line of said Section, the words "and if the capital stock of the corporation is increased by any such amended certificate, he shall receive an additional sum of fifteen cents for each one thousand dollars of increase."

That said Section be and the same is hereby further amended by striking out the words "or educational" in the sixth line of the second paragraph thereof; by inserting the word "solely" after the word "corporations" and before the word "for" in said sixth line of said second paragraph; and by inserting the word "or" in said sixth line of said paragraph between the word "re-

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ligious" and the word "charitable."

Section 36. That Section 128 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "128" in the first line thereof and by inserting in lieu thereof the figures "130;" and that the said Section be and the same is hereby further amended by striking out the word "taxation" in the second line thereof, and by inserting the words "but not for the purpose of taxation" after the word "State" in the third line of said Section. Amendments

Section 37. That Sections 129, 130 and 131 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same are hereby amended by striking out the said figures in the first line of said Sections, and by inserting in lieu thereof, respectively, the figures "131," "132" and "133." Amendments

Section 38. That Section 132 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "132" in the first line thereof and the figures "129," "130" and "131" in the third line thereof, and by inserting in lieu thereof, respectively, the figures "134" in the said first line and the figures "131," "132" and "133" in the said third line, and by inserting the words "as amended" after the word "Act" in said third line. Amendments

Section 39. That Section 133 of said Chapter 273, as printed and published in said Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the figures "133" in the first line thereof, and by inserting in lieu thereof the figures "135;" and that the said Section be and the same is hereby further amended by striking out the words "created under the provisions of this Act may," in the first and second lines of said Section, and inserting in lieu thereof the following words: "organized under the laws of this State, whether created by this Act, special Act of the Legislature, or general law, may guarantee." Amendments

Section 40. That said Chapter 273, as printed and published in Volume 21, Laws of Delaware, is hereby further amended by adding thereto the following Sections, numbered as follows, viz.:

"Section 136. No corporation or corporations issuing bonds under the provisions of this Act, shall plead any statute Corporations
issuing bonds
may not plead
usury

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or statutes against usury in any court of law or equity in any suit instituted to enforce the payment of such bonds or mortgages."

Corporation
may change
location of
principal
office by reso-
lution of
Board of Di-
rectors

"Section 137. The board of directors of any corporation, organized under the laws of this State, may change the location of the principal office of such corporation within this State to any other place within this State by resolution adopted at a regular or special meeting of such board.

Copy of reso-
lution to be
filed. Certifi-
cation of

Certified copy
for recording

Fees

Upon the adoption of a resolution as aforesaid, a copy thereof shall be filed in the office of the Secretary of State, signed by the President and Secretary of such corporation, and sealed with its corporate seal; and a certified copy recorded in the office of the Recorder in and for the county to which said principal office is removed; for filing the said certificate, the Secretary of State shall charge a fee of five dollars, provided, that no certificate shall be required to be filed or recorded of the removal of any office from one point to another in the same town, city or county in this State."

Waiver of
notice

"Section 138. Whenever any notice whatever is required to be given under the provisions of this Act, a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto."

Laws incen-
sistent with
this Act re-
pealed

Accrued prior
rights to be
unimpaired

"Section 139. All laws or parts of laws inconsistent with the provisions of this Act, are hereby repealed; provided, however, that all rights, privileges and immunities vested or accrued by and under prior laws, all suits pending, all rights of action conferred, and all duties, restrictions, liabilities and penalties imposed or required by and under laws prior hereto shall not be impaired, diminished or affected hereby."

Act may be
amended or
repealed by
Legislature

"Section 140. This Act may be amended or repealed, at the pleasure of the Legislature, but such amendment or repeal shall not take away or impair any remedy against any corporation created under this Act, or its officers, for any liability which shall have been previously incurred; this Act and all amendments thereof shall be a part of the charter of every such corporation except so far as the same are inapplicable and inappropriate to the objects of such corporation."

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Section 41. That in making publication of the laws enacted at the present session of the General Assembly, the Secretary of State shall publish the Act to which these amendments are added as the said Act is hereby amended. ^{To be published as amended}

Approved March 7, A. D. 1901.

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CHAPTER 167.

OF GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT PROVIDING A GENERAL CORPORATION LAW.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of the members elected to each House of the General Assembly):

**Number of
persons re-
quired**

Section 1. Any number of persons, not less than three, may associate to establish a corporation for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose under the provisions of and subject to the requirements of this Act as hereinafter provided; excepting for such purposes as are excluded from the operation of a general law by Section 1 of Article 9, of the Constitution of this State, upon making and filing a certificate of incorporation in writing in manner hereinafter mentioned.

Purpose

Powers

Section 2. Every corporation created under the provisions of this Act shall have power:

Succession

1. To have succession, by its corporate name, for the time stated in its certificate of incorporation, and when no period is limited, it shall be perpetual.

Suits

2. To sue and be sued, complain and defend in any Court of law or equity.

Seal.

3. To make and use a common seal, and alter the same at pleasure.

Property.

4. To hold, purchase and convey real and personal estate, and to mortgage any such real and personal estate with its franchises; the power to hold real and personal estate, except in the case of religious corporations, shall include the power to take the same by devise or bequest.

Officers.

5. To appoint such officers and agents as the business of the

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corporation shall require and to allow them suitable compensation.

6. To make by-laws not inconsistent with the Constitution or ^{By-Laws} laws of the United States or of this State; fixing and altering the number of its directors, for the management of its property, the regulation and government of its affairs and for the certification and transfer of its stock, with penalties for the breach thereof not exceeding twenty dollars.

7. To wind up and dissolve itself, or to be wound up and dissolved in the manner hereinafter mentioned. ^{Dissolution.}

8. To conduct business in this State, other States, the District ^{To conduct business.} of Columbia, the territories and colonies of the United States and in foreign countries, and have one or more offices out of this State, and to hold, purchase, mortgage and convey real and personal property out of this State, provided such powers are included within the objects set forth in its certificate of incorporation.

Section 3. In addition to the powers enumerated in the ^{Additional powers.} Second Section of this Act, every corporation, its officers, directors and stockholders, shall possess and exercise all the powers and privileges contained in this Act, and the powers expressly given in its charter or in its certificate under which it was incorporated, so far as the same are necessary or convenient to the attainment of the objects set forth in such charter or certificate of incorporation; and shall be governed by the provisions and be subject to the restrictions and liabilities in this Act contained, so far as the same are appropriate to and not inconsistent with such charter or Act under which such corporation was formed; and no corporation shall possess or exercise any other corporate powers, except such incidental powers as shall be necessary to the exercise of the powers so given.

Section 4. No corporation created under the provisions of ^{Banking powers denied.} this Act shall, by any implication or construction, be deemed to possess the power of carrying on the business of discounting bills, notes or other evidences of debt, of receiving deposits of money, of buying gold and silver bullion, or foreign coins, or buying and selling bills of exchange, or of issuing bills, notes or other evidences of debt for circulation as money.

Section 5. The certificate of incorporation shall set forth: ^{Certificate.}

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- Name.** 1. The name of the corporation, which name shall contain one of the words "association," "company," "corporation," "club," "incorporated," "society" or "syndicate" and shall be such as to distinguish it from any other corporation engaged in the same business, or promoting or carrying on the same objects or purposes in this State.
- Principal Office.** 2. The name of the city or town, county or place within the county in which its principal office or place of business is to be located in this State.
- Objects.** 3. The nature of the business, or objects or purposes proposed to be transacted, promoted or carried on.
- Capital Stock.** 4. The amount of the total authorized capital stock of the corporation, which shall not be less than two thousand dollars, the number of shares into which the same is divided and the par value of each share; the amount of capital stock with which it will commence business, which shall not be less than one thousand dollars; and if there be more than one class of stock created by the certificate of incorporation, a description of the different classes with the terms on which the respective classes of stock are created. Provided, however, that the provisions of this paragraph shall not apply to corporations not for-profit, for which it is desired to have no capital stock; in case any such corporation desires to have no capital stock it shall be so stated, and the conditions of membership shall be also stated.
- Subscribers or Corporators.** 5. The names and places of residence of each of the original subscribers to the capital stock, or if there be no stock, of the original corporators.
- Existence.** 6. Whether or not the corporation is to have perpetual existence, if not, the time when its existence is to commence and the time when its existence is to cease.
- Liability of Stockholders.** 7. Whether the private property of the stockholders shall be subject to the payment of corporate debts, and if so, to what extent.
- Other provisions.** 8. The certificate of incorporation may also contain any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation, and any provisions creating, defining, limiting and regulating the powers of the corporation, the directors and the

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stockholders, or any classes of the stockholders; provided, such provisions are not contrary to the laws of this State.

Section 6. The certificate shall be signed and sealed by each of the original subscribers to the capital stock, or if there be no capital stock, by each of the original corporators, and shall be acknowledged before any officer authorized by the laws of this State to take acknowledgments of deeds to be the act and deed of the signers respectively, and that the facts therein stated are truly set forth; said certificate shall be filed in the office of the Secretary of State, who shall furnish a certified copy of the same under his hand and seal of office, and said certified copy shall be recorded in the office of the Recorder of Deeds of the county where the principal office of said corporation is to be located in this State, in a book to be kept for that purpose; said certificate or a copy thereof duly certified by the Secretary of State, accompanied with the certificate of the Recorder of the county wherein the same is recorded under his hand and the seal of his office, stating that it has been recorded, the record of the same in the office of the Recorder aforesaid, or a copy of said record duly certified by the Recorder aforesaid, shall be evidence in all courts of law and equity in this State.

Execution of
Certificate.

Filing.

Recording of
Copy.Certificate,
evidence.

Section 7. Upon making the certificate of incorporation and causing the same to be filed, and a certified copy thereof recorded as aforesaid, and paying the license tax therefor to the Secretary of State, the persons so associating, their successors and assigns, shall from the date of such filing be and constitute a body corporate, by the name set forth in said certificate, subject to dissolution as in this Act elsewhere provided.

Beginning of
Corporate
existence.

Section 8. Until the directors are elected, the signers of the certificate of incorporation shall have the direction of the affairs and of the organization of the corporation, and may take such steps as are proper to obtain the necessary subscriptions to stock and to perfect the organization of the corporation.

Temporary
management
by Corporators

Section 9. The business of every corporation organized under the provisions of this Act shall be managed by a board of not less than three directors, except as hereinafter provided; each of whom shall own in his own right not less than three shares of capital stock; they shall hold office until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business, and at least one

Directors
Management
of business.To be stock-
holders.
Term of office.
Quorum.

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of them shall be a resident of this State. The Board of Directors may, by resolution passed by a majority of the whole board, designate two or more of their number to constitute an executive committee, who, to the extent provided in said resolution or in the by-laws of said company, shall have and exercise the powers of the Board of Directors in the management of the business and affairs of the company, and may have power to authorize the seal of the company to be affixed to all papers which may require it. The directors of any corporation organized as aforesaid may, if so stated in the certificate of incorporation or in any amendment thereto, or may by a vote of the stockholders, be divided into one, two or three classes; the term of office of those of the first class to expire at the annual meeting next ensuing; of the second class one year thereafter; of the third class two years thereafter, and at each annual election held after such classification and election directors shall be chosen for a full term, as the case may be, to succeed those whose terms expire.

Officers. Section 10. Every corporation organized under this Act shall have a President, Secretary and Treasurer, who shall be chosen by the Directors or stockholders, as the by-laws may direct; and shall hold their offices until their successors are chosen and qualified; the President shall be chosen from among the Directors; the Secretary shall be sworn to the faithful discharge of his duty, and shall record all the proceedings of the meetings of the corporation and directors in a book to be kept for that purpose, and perform such other duties as shall be assigned to him; the Treasurer may be required to give bond in such sum and with such surety or sureties as shall be provided by the by-laws, for the faithful discharge of his duty.

Secretary or Treasurer may also be Vice-President. The Secretary and Treasurer may or may not be the same person, and if the corporation have a Vice-President, he may, if deemed advisable by the Directors, hold the offices of Vice-President and Treasurer, or Vice-President and Secretary, but not the offices of Vice-President, Secretary and Treasurer.

Other officers. The corporation may have such other officers, agents and factors as may be deemed necessary, who shall be chosen in such manner and hold their offices for such terms as may be prescribed by the by-laws, or determined by the Board of Directors, and may secure the fidelity of any or all of such officers by bond or otherwise; and may also provide by the by-laws for the quali-

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fication of any or all of such officers before any person authorized by law to administer an oath.

A failure to elect annually a President, Secretary, Treasurer or other officers shall not dissolve a corporation. Failure to elect not to dissolve.

Any vacancy occurring in the office of President, Secretary or Treasurer by death, resignation, removal or otherwise, shall be filled in the manner provided for in the by-laws; in the absence of such provision, such vacancy shall be filled by the Board of Directors. Vacancies, how filled.

Section 11. The first meeting of every corporation shall be called by a notice signed by a majority of the incorporators named in the certificate of incorporation, designating the time, place and purpose of the meeting; and such notice shall, at least two weeks before the time of any such meeting, be published three times in some newspaper of the county where the corporation may be established or have its principal place of business, or said first meeting may be called without such publication of notice, if two days' notice be personally served on all the parties named in the certificate of incorporation, or if all the parties named in the certificate of incorporation shall, in writing, waive notice and fix a time and place of meeting, then no notice of publication whatever shall be required of such first meeting. First meeting. Notice. Publication of. Waiver of notice.

Section 12. The power to make and alter by-laws shall be in the stockholders, but any corporation may, in the certificate of incorporation, confer that power upon the directors. By-laws made by the directors under power so conferred may be altered or repealed by the directors or stockholders. By-laws making, alteration, &c.

Section 13. Every corporation shall have power to create two or more kinds of stock of such classes, with such designations, preferences and voting powers, or restriction or qualification thereof, as shall be stated and expressed in the certificate of incorporation; and the power to increase or decrease the stock, as in this Act elsewhere provided, shall apply to all or any of the classes of stock; but at no time shall the total amount of the preferred stock exceed two-thirds of the actual capital paid in cash or property; and such preferred stock may, if desired, be made subject to redemption at not less than par, at a fixed time and price, to be expressed in the certificate thereof, and the holders thereof shall be entitled to receive, and the corporation shall be Class of stock. Proportion.

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- Dividends.** bound to pay thereon a fixed yearly dividend, to be expressed in the certificate, not exceeding eight per centum, payable quarterly, half yearly or yearly, before any dividend shall be set apart or paid on the common stock, and such dividends may be made cumulative; and in no event shall a holder of preferred stock be
- Liabilities.** personally liable for the debts of the corporation; but in case of insolvency, its debts or other liabilities shall be paid in preference to the preferred stock. Unless its original certificate of incorporation shall otherwise provide, no corporation shall create preferred stock, except by authority given to the Board of Directors by a vote of at least two-thirds of the stock voted at a meeting of the common stockholders, duly called for that purpose; the terms "General Stock" and "Common Stock" are synonymous.
- General Stock. Common Stock synonymous.**
- Stock for labor, property &c.** Section 14. Any corporation existing under any law of this State may issue stock for labor done or personal property or real estate or leases thereof; in the absence of fraud in the transaction, the judgment of the directors as to the value of such labor, property, real estate or leases shall be conclusive.
- Stockholders certificate—how signed.** Section 15. Every stockholder shall have a certificate under the seal of the corporation signed by the President and Treasurer, certifying the number of shares owned by him in such corporation.
- Stock personal property Transferable.** Section 16. The shares of stock in every corporation shall be deemed personal property and transferable on the books of the corporation in such manner and under such regulations as the by-laws provide; provided, however, that no stock or bonds issued by any corporation organized under this Act shall be taxed by this State when the same shall be owned by non-residents of this State, or by foreign corporations. Whenever any transfer of shares shall be made for collateral security, and not absolutely, it shall be so expressed in the entry of the transfer.
- Bonds of foreign stockholders not taxable by this State.**
- Collateral transfer.**
- Voting of stockholders,** Section 17. Unless otherwise provided in the charter, certificate or by-laws of the corporation, each stockholder, whether resident or non-resident, shall at every election be entitled to one vote in person or by proxy for each share of the capital stock held by him, but no proxy shall be voted on after three years from its date; nor shall any share of the stock be voted on at any election which has been transferred on the books of the corporation within twenty days next preceding such election.
- One vote for each share of capital stock**

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Section 18. Persons holding stock in a fiduciary capacity shall be entitled to vote the shares so held, and persons whose stock is pledged shall be entitled to vote, unless in the transfer by the pledgor on the books of the corporation he shall have expressly empowered the pledgee to vote thereon, in which case only the pledgee, or his proxy may represent said stock and vote thereon.

voting stock
held by fiduciary or
pledged stock.

Section 19. Shares of stock of the corporation belonging to the corporation shall not be voted upon directly or indirectly.

Stock owned
by corporation
not to be
voted

Section 20. When the whole capital stock of a corporation shall not have been paid in, and the assets shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of the par value of such share as fixed by the charter of the company or its certificate of incorporation, or such proportion of that sum as shall be required to satisfy the debts of the company, which said sum or proportion thereof may be recovered as provided for in Section 49 of this Act as amended, after a writ of execution against the corporation has been returned unsatisfied, as provided for in Section 51 of this Act as amended.

Liability of
stockholders,
for assessment
on unpaid
stock to pay
debts.

Section 21. When any corporation is authorized to commence business, the directors may, if its whole capital stock has not been subscribed, open books for additional subscriptions to its capital stock.

Additional
subscriptions
to Capital
stock.

The capital stock of a corporation shall be paid in such amounts and at such times as the directors may require. And the directors may, from time to time, assess upon each share of stock not fully paid up, such sum of money as the necessities of the business may, in the judgment of the Board of Directors, require, not exceeding in the whole the balance remaining unpaid on said stock, up to the par value thereof, and such sum so assessed shall be paid to the Treasurer at such times and by such installments or calls as the directors shall direct, the said directors having given at least thirty days' notice of the time and place of such payments in a newspaper of the county in this State where such corporation is established, or has its principal place of business, or by written notice mailed at least thirty days before the time for such payment, to each stockholder at his last

Payment of
Capital stock.

Assessment
of unpaid
stock.

To be paid to
Treasurer.

Notice of
payment.

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known post office address.

**Failure of
stockholder
to pay.**

Sale of stock.

Notice.

**Forfeiture of
stock.**

**Certificate of
payment of
stock.**

**Authentica-
tion.**

Filing.

**Liability of
officers for
failure to file
certificate of
payment of
capital stock.**

Section 22. When any stockholder fails to pay any installment or call upon his stock which may have been properly assessed thereon by the directors, at the time when such payment is due, the directors may collect the amount of such installments or call any balance thereof remaining unpaid, from the said stockholder by an action at law, or they shall sell at public sale such part of the shares of such delinquent stockholder as will pay all assessments then due from him with interest and all incidental expenses, and shall transfer the shares so sold to the purchaser, who shall be entitled to a certificate therefor. Notice of the time and place of such sale and of the sum due on each share shall be given by advertisement for three weeks successively; once in each week before the sale, in a newspaper of the county in this State where such corporation is established, or has its principal place of business, and such notice shall be mailed by the Treasurer of the corporation to such delinquent stockholder at his last known post office address, at least twenty days before such sale. If no bidder can be had to pay the amount due on the stock, and if the amount is not collected by an action at law, brought within the county where such corporation is established or has its principal place of business, within one year from the date of the bringing such action at law, the said stock shall be forfeited to the corporation and the amount previously paid in by the delinquent on the stock shall be forfeited to the corporation.

Section 23. The President with the Secretary or Treasurer of every corporation organized under this Act, upon payment of each installment or call of capital stock, and upon payment of each installment or call of every increase thereof, shall make a certificate, stating the amount of the installments or calls so paid, and whether paid in cash or by the purchase of property, stating also the total amount of capital stock, if any previously paid and reported, which certificate shall be signed and sworn or affirmed to by the President and Secretary or Treasurer, and they shall within thirty days after the making of such payment or payments cause the certificate to be filed in the office of the Secretary of State.

Section 24. If any of the said officers shall neglect or refuse to perform the duties required of them in the preceding section for thirty days after written request so to do by a creditor or

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stockholder of the corporation, they shall be jointly and severally liable for all its debts contracted after the making of such payments as provided for in the preceding section and before the filing of such certificate.

Section 25. It shall be lawful for the incorporators of any corporation, before the payment of any part of its capital, to file with the Secretary of State an amended certificate, duly signed by the incorporators named in the original certificate of incorporation, and duly acknowledged in the manner in this Act required for certificates of incorporation, in this Act heretofore provided for, modifying, changing, or altering its original certificate of incorporation in whole or in part; and said Secretary of State shall furnish a certified copy of said certificate under his hand and seal of office, and said certified copy shall be recorded in the office of the Recorder of the county in which its original certificate of incorporation was recorded; said amended certificate shall take the place of the original certificate of incorporation, and shall be deemed to have been filed and recorded on the date of the filing and recording of the original certificate; provided, however, that nothing herein contained shall permit the insertion of any matter not in conformity with the provisions of this Act.

Amending
Certificate be-
fore payment
of Capital
stock.

Certified copy
for Recorder.

Section 26. Any corporation of this State existing prior to the passage of this amendatory Act, whether created by special Act, or general law, or any corporation created under the provisions of this Act, may, from time to time, when and as desired, amend its charter of incorporation, either by addition to its corporate powers and purposes, or diminution thereof; or by substitution of other powers and purposes, in whole or in part, for those prescribed by its charter; or by increasing or decreasing its authorized capital stock; or by changing its corporate title.

Amendments
of Charters
with capital
stock

How made.

Every such amendment shall be made and effected in manner following, to wit:

1. If the corporation has a capital stock, its board of directors shall adopt a resolution setting forth the amendment proposed, declaring its advisability, and calling a meeting of the stockholders for consideration thereof. Said meeting shall be called and held upon such notice as the corporation's charter or by-laws provide, and in the absence of such provision, upon notice thereof, either delivered to the stockholder or mailed to the stock-

Directors
shall adopt
resolution
Meeting of
stockholders
Notice of

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holder's post office address, if known, at least ten days before the date fixed for said meeting. At said meeting, a vote of the stockholders by ballot, in person or by proxy, shall be taken for and against the proposed amendment, which vote shall be conducted by two judges appointed for that purpose either by the directors or by the said meeting. Said judges shall decide upon the qualification of voters, and when the vote is completed, count and ascertain the number of shares voted respectively for and against said amendment, and declare whether the persons or bodies corporate holding the majority of the stock of said corporation (or of each class of stock, if there be more than one) have voted for or against the proposed amendment; and shall make out certificates accordingly in duplicate, stating the number of shares of stock voted for and against the amendment respectively, and subscribe and deliver the same to the Secretary of the corporation. If it shall appear by said certificates of the judges that the persons or bodies corporate holding the majority of the stock of said corporation (or of each class of stock, if there be more than one) have voted in favor of the amendment, thereupon, the said corporation shall make, under its corporate seal, and the hands of its President and Secretary, a certificate accordingly, and the President shall duly execute the same before an officer authorized by the laws of this State to take acknowledgments of deeds; and the said certificate, so executed and acknowledged with one of the said judges' duplicate certificates attached, shall be filed in the office of the Secretary of State, and a copy thereof certified by said Secretary of State shall be recorded in the office of the Recorder of the county in which the original charter of incorporation is recorded; or if the corporation shall have been created by special public Act of the Legislature, then said certificate shall be recorded in the office of the Recorder of any county where the business of the said corporation may be conducted. And upon so filing and recording the same, the charter of said corporation shall be deemed to be amended accordingly. Provided, however, that no corporation shall decrease its authorized capital stock without paying or adequately securing such of its debts as are not then fully secured.	
Vote	
To be conducted by two judges	
Duties of	
Certificates of shares voted	
Corporate certificate thereof under seal	
Filed	
Copy for Recorder	
Provisions for security of debts	
Amendments of charters without capital stock	2. If the corporation has no capital stock, then the Board of Directors, managers, trustees, or the governing body thereof, shall pass a resolution declaring that such amendment, addition,

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change or alteration is advisable, and if at the next meeting, held not earlier than fifteen days and not later than thirty days from the meeting at which such resolution shall have been passed, two-thirds of the whole number of the said Board of Directors, managers, trustees, or the governing body, shall vote in favor of such amendment, addition, change or alteration, a certificate thereof shall be signed by the President and Secretary under the corporate seal, acknowledged by said President and Secretary before any officer authorized by the laws of this State to take acknowledgments of deeds, to be the Act and deed and certificate of such corporation, and such certificate acknowledged as aforesaid, together with the assent of two-thirds of the whole number of the members of the said Board of Directors, managers, trustees, or governing body in writing, shall be filed in the office of the Secretary of State, and a copy thereof duly certified by the Secretary of State shall be recorded in the office of the Recorder of the county in which the original charter of incorporation is recorded; or, if the corporation shall have been created by a special public Act of the Legislature, then said certificate shall be recorded, as above provided, in the county where said corporation has its principal place of business; and upon so filing and recording the same, the charter of incorporation shall be deemed to be amended accordingly.

Directors shall adopt resolution advising amendment. Subsequent meeting. Two-thirds vote of whole number requisite. Certificate with assent of two-thirds of directors in writing to be filed.

Certified copy for Recorder.

Section 27. Every corporation organized under the provisions of this Act may, at any meeting, increase its capital stock, and the number of shares therein, until it shall reach the amount named in the original certificate.

Increase of Capital Stock.

Section 28. Any corporation organized under this Act, may reduce its capital stock at any time by a vote of, or by the written consent of stockholders representing two-thirds of its capital stock, and after notice of the proposed decrease has been mailed to the address of each stockholder at least twenty days before the meeting is held for that purpose; and a statement of the reduction shall be signed and acknowledged by the President and a majority of the directors, and shall be filed and a certified copy thereof recorded in the same manner as certificates of incorporation are required to be. No such reduction, however, shall be made in the stock of any corporation until all its debts which are not otherwise fully secured shall have been paid and discharged.

Reduction of Capital Stock

Notice.

Certificate to be filed and recorded.

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- How effected.** The decrease of capital stock issued may be effected by retiring or reducing any class of the stock, or by drawing the necessary number of shares by lot for retirement, or by the surrender of every shareholder of his shares, and the issue to him in lieu thereof of a decreased number of shares, or by the purchase at not above par of certain shares for retirement, or by retiring shares owned by the corporation or by reducing the par value of shares; and when any corporation shall decrease the amount of its capital stock hereinbefore provided, the certificate decreasing the same, shall be published for three weeks successively at least once in each week, in a newspaper published in the county in which the principal office of the corporation is located; the first publication to be made within fifteen days after the filing of such certificate, and in default thereof the directors of the corporation shall be jointly and severally liable for all the debts of the corporation contracted before the filing of the said certificate, and the stockholders shall also be liable for such sums as they may respectively receive of the amount so reduced; provided, no such decrease of capital stock shall release the liability of any stockholder whose shares have not been fully paid, for debts of the corporation theretofore contracted.
- Publication of certificate.**
- Liability.**
- Voting.** Section 29. After the first election of directors no stock shall be voted on at any election which shall have been transferred on the books of the company within twenty days next preceding such election, and it shall be the duty of the officer who shall have charge of the stock ledger to prepare and make, at least ten days before every election, a complete list of stockholders entitled to vote, arranged in alphabetical order. Such list shall be open at the place where said election is to be held for said ten days, to the examination of any stockholder, and shall be produced and kept at the time and place of election during the whole time thereof, and subject to the inspection of any stockholder who may be present. Upon the neglect or refusal of the said directors to produce such list at any election they shall be ineligible to any office at such election. The original or duplicate stock ledger shall be the only evidence as to who are stockholders entitled to examine such list or the books of the company, or to vote in person or by proxy, at such election. The original or duplicate stock ledger containing the names and addresses of the stockholders, and the number of shares held by them, respectively, shall, at all times, during the usual hours for business, be open to the examination of every stockholder at its
- Alphabetic list of stockholders.**
- Evidence of who are stockholders.**

OF CORPORATIONS.

principal office or place of business in this State, and said original or duplicate stock ledger shall be evidence in all courts of this State.

Original or duplicate stock ledger, evidence.

Every corporation, now or hereafter organized under and pursuant to the provisions of this Act, may make suitable provision in its certificate of incorporation, original or amended, and thereby to the extent, in the manner and subject to the conditions provided in the certificate of incorporation confer upon the holders of any bonds or debentures issued or to be issued by any such corporation, whether secured by mortgage or otherwise, the power to vote in respect to the corporate affairs and management of the company to the same extent and in the same manner as stockholders of the said corporation, as may be provided in the certificate of incorporation and, in case of a default in the payment of the principal or interest on said bonds or otherwise, or in any other case, confer upon such bondholders the same right of inspection of the corporate books and accounts and records of any such company, and also any other rights, which the stockholders of the said company have or may have by reason of the provisions of the statutes of this State or pursuant to the provisions of the certificate of incorporation.

Certificate of Incorporation may confer upon holders of bonds or debentures voting powers of stockholders.

Section 30. All elections of directors shall be by ballot, unless otherwise provided in the charter or the certificate of incorporation. The first meeting for the election of directors, at which meeting any business may be transacted, shall be held at any place either within or without this State fixed by a majority of the incorporators in a writing signed by them and thereafter the said directors shall be elected at the time and place within or without this State named in the by-laws, and which shall not be changed within sixty days next before the day on which the election is to be held. A notice of any change shall be given to each stockholder twenty days before the election is held, in person or by letter mailed to his last known post office address.

Election of Directors.

First meeting for.

Subsequent meetings

Notice of change of election.

Any vacancy in the Board of Directors shall be filled by the board, unless otherwise provided in the by-laws, and the directors so appointed shall hold office until the next annual election and until their successors shall be duly elected and qualified.

Vacancy in Board of Directors. How filled.

Section 31. If the election for directors of any corporation shall not be held on the day designated by the by-laws, the directors shall cause the election to be held as soon thereafter as

Failure to elect directors not to work forfeiture of Corporation.

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Power of Chancellor. conveniently may be; no failure to elect directors at the designated time shall work any forfeiture or dissolution of the corporation, but the Chancellor may summarily order an election to be held upon the application of any stockholder, and may punish the directors for contempt of Court for failure to obey the order.

Subsequent meetings. **Section 32.** That in all cases after the first meeting of the incorporators, where it is not otherwise provided by the by-laws, the meetings of the stockholders of every corporation shall be held at its principal office in this State. The stockholders and directors may, however, hold their meetings and have an office or offices outside of this State if the by-laws so provide; and every corporation shall maintain a principal office or place of business in this State and shall have an agent, resident of this State, in charge thereof.

May hold meetings and have offices outside of this State.

Principal office in this State.

Agent.

Name of Corporation to be displayed on principal places of business. **Section 33.** Every corporation organized under this Act shall have in a conspicuous place on its principal office, place or places of business, in letters sufficiently large to be easily read, painted or printed the corporate name of such corporation. And every such corporation which shall fail or refuse to comply with the provisions of this section shall be subject to a fine of not less than one hundred dollars and not more than five hundred dollars, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law to be prosecuted by the Attorney-General.

Failure.

Fine.

Directors may declare dividends. **Section 34.** The Directors of every corporation created under this Act shall have power, after reserving over and above its capital stock paid in, such sum, if any, as shall have been fixed by the stockholders, to declare a dividend among its stockholders of the whole of its accumulated profits, in excess of the amount so reserved, and pay the same to such stockholders on demand; provided, that the corporation may, in its certificate of incorporation, or in its by-laws, give the Directors power to fix the amount to be reserved.

Certificate may fix the amount to be reserved as working capital.

Dividends to be made only from net profits. **Section 35.** No corporation created under the provisions of this Act, nor the directors thereof, shall make dividends except from the surplus or net profits arising from its business. Dividends may be paid in cash or capital stock at par, but otherwise the corporation shall not divide, withdraw, or in any way pay to the stockholders, or any of them, any part of its capital stock, or reduce its capital stock, except according to this Act, and in case

Reduction of Capital stock.

OF CORPORATIONS.

of any violation of the provisions of this section the directors under whose administration the same may happen shall be jointly and severally liable in an action on the case at any time within six years after paying such dividend to the corporation and to its creditors or any of them in the event of its dissolution or insolvency, to the full amount of the dividend made or capital stock so divided, withdrawn, paid out, or reduced, with interest on the same from the time such liability accrued; provided, that any director who may have been absent when the same was done or who may have dissented from the act or resolution by which the same was done, may exonerate himself from such liability by causing his dissent to be entered at large on the books containing the minutes of the proceedings of the directors at the time the same was done, or forthwith after he shall have notice of the same, and by causing a true copy of said dissent to be published, within two weeks after the same shall have been so entered, in a newspaper published in the county where the corporation has its principal office.

Liability.

Absent Director not liable by entering dissent upon books of proceedings.

Must publish dissent.

Section 36. No corporation created under this Act shall make any loan of money to any officer of such corporation, nor shall any loan be made to a stockholder upon the security of the stock of the corporation, and if any such loan be made, the officer or officers who make it or assent thereto shall be jointly and severally liable until the repayment of the sum so loaned with interest. Nor shall any corporation take as security for any debts a lien upon any part of its capital stock, or be the holder or purchaser of any part thereof, unless such lien or purchase shall be necessary to prevent loss upon a debt previously contracted. Provided, however, that the provisions of this section shall not apply to corporations organized exclusively as Building and Loan Associations.

Stock of company not to be collateral for loans to officers or stockholders.

Violation.
Liability

Capital stock shall not be security for debts.

Exceptional.

Section 37. If the directors or officers of any corporation, organized under the provisions of this Act, shall knowingly cause to be published or given out any written statement or report of the condition or business of the corporation that is false in any material respect, the officers and directors causing such report or statement to be published, or given out, or assenting thereto, shall be jointly and severally, individually liable for any loss or damage resulting therefrom.

False statements.

Liability for.

Section 38. Before the payment of any part of the capital and before beginning business for which the corporation was created, the incorporators named in any certificate of incorporation-

Surrender of Corporate rights before beginning business.

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tion may surrender all their corporate rights and franchises, by filing in the office of the Secretary of State a certificate, verified by the oath or affirmation of a majority of the incorporators named in the certificate of incorporation, that no part of the capital has been paid and such business has not been begun, and surrendering all rights and franchises, and thereupon the said corporation shall be dissolved.

Dissolution. Section 39. If it should be deemed advisable, in the judgment of the Board of Directors, and most for the benefit of any corporation organized under this Act, that it should be dissolved, the board, within ten days after the adoption of a resolution to that effect by a majority of the whole board at any meeting called for that purpose, of which meeting every director shall have received at least three days' notice, shall cause notice of the adoption of such resolution to be mailed to each stockholder residing in the United States, and also, beginning within said ten days, cause a like notice to be inserted in a newspaper published in the county wherein the corporation shall have its principal office, at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of the stockholders to be held at the office of the corporation, to take action upon the resolution so adopted by the Board of Directors, which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may be on the day so appointed, by consent of a majority in interest of the stockholders present, be adjourned from time to time, for not less than eight days at any one time, of which adjourned meeting notice by advertisement in said newspaper shall be given; and if at any such meeting two-thirds in interest of all the stockholders shall consent that a dissolution shall take place and signify their consent in writing, such consent, together with a list of the names and residences of the directors and officers, certified by the president and secretary and treasurer, shall be filed in the office of the Secretary of State, who, upon being satisfied by due proof that the requirements aforesaid have been complied with, shall issue a certificate that such consent has been filed, and the Board of Directors shall cause such certificate to be published four weeks successively, at least once a week, in a newspaper published in said county; and upon the filing in the office of the Secretary of State of an affidavit of the manager or publisher of the said newspaper that said certificate has been published four weeks successively, and at least once a week in said

How affected.

Notice.

Meeting of stockholders

Consent of two-thirds in interest.

Certificate thereof, &c., to be filed.

Publication of Certificate of Dissolution.

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newspaper, the corporation shall be dissolved.

Whenever all the stockholders shall consent in writing to a dissolution, no meeting or notice thereof shall be necessary, but on filing said consent in the office of the Secretary of State, he shall forthwith issue a certificate of dissolution, which shall be published as above provided. Waiver of notice.

Section 40. All corporations, whether they expire by their own limitation, or are otherwise dissolved, shall, nevertheless, be continued for the term of three years from such expiration or dissolution bodies corporate for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their business, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which said corporation shall have been established. Continuance of corporate existence for closing business of corporation.

Section 41. Upon the dissolution of any corporation under the provisions of Section 39 of this Act as amended, the directors, or the governing body, by whatever name it may be known, shall be trustees thereof, with full power to settle the affairs, collect the outstanding debts, sell, and convey the property, real and personal, and divide the moneys and other property among the stockholders, after paying its debts. Directors of Corporation upon dissolution thereof to be trustees, &c.

Section 42. The persons constituted trustees as aforesaid shall have authority to sue for and recover the aforesaid debts and property, by the name of the trustees of such corporation, describing it by its corporate name, and shall be sueable by the same name for the debts owing by such corporation at the time of its dissolution, and shall be jointly and severally responsible for such debts, to the amounts of the moneys and property of such corporation which shall come into their hands or possession. Power of trustees aforesaid.

Section 43. When any corporation organized under this Act shall be dissolved in any manner whatever, the Court of Chancery, on application of any creditor or stockholder of such corporation, at any time, may either continue such directors, trustees as aforesaid, or appoint one or more persons to be receivers of and for such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation, or otherwise, all such suits as may be necessary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which Court of Chancery, upon application may continue directors or appoint receivers. Duties.

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might be done by such corporation, if in being, that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such trustees or receivers may be continued as long as the Chancellor shall think necessary for the purposes aforesaid.

Jurisdiction
of Chancellor.

Section 44. The Court of Chancery shall have jurisdiction of said application and of all questions arising in the proceedings thereon, and may make such orders and decrees and issue injunctions therein as justice and equity shall require.

Application
of assets.

Section 45. The said trustees or receivers after payment of all allowances, expenses and costs, and the satisfaction of all special and general liens upon the funds of the corporation to the extent of their lawful priority, shall pay the other debts due from the corporation, if the funds in their hands shall be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the Court for that purpose; and if there shall be any balance remaining after the payment of such debts and necessary expenses, they shall distribute and pay the same to and among those who shall be justly entitled thereto, as having been stockholders of the corporation, or their legal representatives.

No abate-
ment of ac-
tion by rea-
son of dissolu-
tion

Section 46. If any corporation organized under this Act becomes dissolved by the expiration of its charter or otherwise, before final judgment obtained in any action pending or commenced in any Court of Record of this State, against any such corporation, the said action shall not abate by reason thereof, but the dissolution of said corporation being suggested upon the record, and the names of the trustees or receivers of said corporation being entered upon the Record, and notice thereof served upon said trustees or receivers, or if such service be impracticable upon the counsel of Record in such case, the said action shall proceed to final judgment against the said trustees or receivers by the name of the corporation.

Filing of de-
cree of forfeit-
ure of charter

Section 47. Whenever any corporation is dissolved or its charter forfeited by decree or judgment of the Court of Chancery the said decree or judgment shall be forthwith filed by the Register in Chancery of the county in which such decree or judgment shall be entered, in the office of Secretary of State, and a note thereof shall be made by the Secretary of State on the charter or certificate of incorporation, and on the index thereof, and be pub-

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lished by him in the next volume of Laws, which he shall cause to be published.

Section 48. Service of legal process upon any corporation created under this Act shall be made by delivering a copy thereof personally to the president of such corporation, or by leaving the same at his dwelling house or usual place of abode. If the president resides out of the State, service thereof may be made by delivering a copy thereof to the secretary or one of the directors of said corporation, or by leaving the same at the dwelling house or usual place of abode of such secretary or director, or at the principal office or place of business of the corporation in this State. Service by copy left at the dwelling house or usual place of abode, or at the said principal office or place of business in this State to be effective must be delivered thereat at least six days before the return of the process, and in the presence of an adult person; and the officer serving the process shall distinctly state the manner of service in his return thereto; provided, that process returnable forthwith must be served personally.

Section 49. When the officers, directors or stockholders of any corporation, organized under this Act, shall be liable by the provisions of this Act, to pay the debts of the corporation, or any part thereof, any person to whom they are liable may have an action on the case against any one or more of them and the declaration shall state the claim against the corporation, and the ground on which the plaintiff expects to charge the defendants personally; or the person to whom they are liable may have his remedy by bill in Chancery.

Section 50. When any officer, director or stockholder shall pay any debt of a corporation for which he is made liable by the provisions of this Act, he may recover the amount so paid, in an action against the corporation for money paid for its use, and in which action only the property of the corporation shall be liable to be taken, and not the property of any stockholder.

Section 51. No suit shall be brought against any director or stockholder for any debt of a corporation organized as aforesaid, of which he is such director or stockholder until judgment be obtained therefor against such corporation and execution thereon returned unsatisfied.

Section 52. Receivers or trustees shall, as soon as convenient, file in the office of the Register in Chancery of the county in which the corporation's principal place of business is, a full and

Service of legal process
How made

Liability of officers

Form of action

Actions of officers against corporation for debts, etc. paid

Directors not liable to suit until judgment against corporation returned unsatisfied

Inventory to be filed by receivers and trustees

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complete inventory of all the estate, property and effects of the corporation. its nature and probable value, and an account of all debts due from and to it, as nearly as the same can be ascertained, and make a report to the Court of their proceedings, whenever and as often as the Court shall direct.

Creditors shall make proof under oath of claims against corporation To file same within six months

Failure thereof may bar in distribution of assets

Register in Chancery to notify receiver of Claims filed

Duty of receiver as to disputed claims

Appeal of creditor to Chancellor

Section 53. All creditors shall make proof under oath of their respective claims against the corporation, and cause the same to be filed in the office of the Register in Chancery of the county in which the corporation's principal place of business is, within six months from the date of the appointment of a receiver or trustee for such corporation, or sooner if the Court shall order and direct, and all creditors and claimants failing to do so, within the time limited by this Act, or the time prescribed by the order of the Court may, by direction of the Court be barred from participating in the distribution of the assets of the corporation; the Court may also prescribe what notice, by publication or otherwise, shall be given to creditors of the time fixed for the filing and making proof of said claim.

Section 54. It shall be the duty of the Register in Chancery, immediately upon the expiration of the time fixed for the filing of claims, in compliance with the provisions of the preceding section of this Act, to notify the receiver or trustee of the finding of said claims, and it shall be the duty of said receiver or trustee within thirty days after receiving said notice, to inspect said claims, and if said trustee or any creditor shall not be satisfied with the validity or correctness of the same, or any of them, said receiver or trustee shall forthwith notify the creditors, whose claims are disputed, of his decision; the said receiver or trustee shall require all creditors whose claims are disputed to submit themselves to such examination in relation to their claims as the receiver or trustee shall direct, and such creditors shall produce such books and papers relating to their claims as shall be required; and the receiver or trustee shall have power to examine, under oath or affirmation, all witnesses produced before him touching the claims, and shall pass upon and allow or disallow the claims, or any part thereof, and notify the claimants of his determination.

Provided, however, that every creditor or claimant, when he shall have received notice from said receiver or trustee, that he is not satisfied with the said claim as filed in the office of the Register in Chancery, shall have the right, within ten days thereafter, to demand that the said receiver or trustee shall certify the said

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claim to the Court of Chancery, which Court shall have jurisdiction to pass upon the said claim as presented, and to determine the rights of the claimant, and to make such order or decree touching the same as shall be equitable and just; and provided, further, that when any creditor or claimant shall submit himself to such examination in relation to his claim, as the receiver or trustee shall direct, and the receiver or trustee shall pass upon and allow or disallow such claim, the creditor or claimant so submitting himself, or any other creditor or claimant, shall have the right of appeal to the Court of Chancery, which Court shall hear and determine the rights of the claimant, and shall make such order or decree touching the same as shall be equitable and just.

Section 55. A receiver shall, upon application by him in the Court in which any suit is pending, be substituted as party plaintiff or complainant in the place and stead of the corporation in any suit or proceeding at law or in equity which was so pending at the time of his appointment; and no action against a receiver of a corporation shall abate by reason of his death, but, upon suggestion of the facts on the record, shall be continued against his successor or against the corporation in case no new receiver is appointed.

Substitution
of receiver as
party plain-
tiff in suits

Section 56. Whenever the property of an insolvent corporation is at the time of the appointment of a receiver or trustee encumbered with liens of any character, and the validity, extent or legality of any such liens is disputed or brought in question, and the property of the corporation is of a character which will deteriorate in value pending the litigation respecting such lien, the Court of Chancery may order the receiver or trustee to sell the property of the corporation, clear of all incumbrances, at public or private sale for the best price that can be obtained therefor, and pay the net proceeds arising from the sale thereof after deducting the costs of such sale into the Court, there to remain subject to the order of the said Court, and to be disposed of as the Court shall direct.

Sale of deteriorating
property of insolvent
corporations

Section 57. Whenever any corporation, formed under the provisions of this Act, shall become insolvent, the employees doing labor or service of whatever character in the regular employ of such corporation, shall have a lien upon the assets thereof for the amount of the wages due to them, not exceeding two months' wages respectively, which shall be paid prior to any other debt or

Lien of employees

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debts of said corporation; but the word "employees" shall not be construed to include any of the officers of such corporation.

Compensa-
tion of recei-
ver

Section 58. The Court of Chancery, shall, before making distribution of the assets of an insolvent corporation, among the creditors or stockholders thereof, allow a reasonable compensation to the receiver or trustee for his services, and the costs and expenses incurred in and about the execution of his trust, and the costs of the proceedings in said Court, to be first paid out of said assets.

Merger or
consolidation
of corpora-
tions

Agreement

Section 59. Any two or more corporations organized under the provisions of this Act, or existing under the laws of this State, for the purpose of carrying on any kind of business, may consolidate into a single corporation which may be either one of said consolidated corporations, or a new corporation to be formed by means of such consolidation; the directors, or a majority of them, of such corporation, as desire to consolidate, may enter into an agreement signed by them, and under the corporate seals of the respective corporations, prescribing the terms and conditions of consolidation, the mode of carrying the same into effect, and stating such other facts as are necessary to be set out in Articles of Incorporation, as provided in this Act, as well as the manner of converting the shares of each of the old corporations into the new, with such other details and provisions as are deemed necessary.

Submission
thereof to
stockholders
Meeting
Notice
Publication

Vote on

Certification
of agreement

Said agreement shall be submitted to the stockholders of each corporation, at a meeting thereof, called separately for the purpose of taking the same into consideration; of the time, place and object of which meeting due notice shall be given by publication at least once a week for four successive weeks in one or more newspapers published in the county wherein each corporation either has its principal office or conducts its business, and a copy of such notice shall be mailed to the last known postoffice address of each stockholder of each corporation, at least twenty days prior to the date of such meeting, and at said meeting said agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if the votes of stockholders of each corporation representing two-thirds in amount of its capital stock shall be for the adoption of the said agreement, then that fact shall be certified on said agreement by the secretary

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of each corporation, under the seal thereof; and the agreement so adopted and certified shall be signed by the President and Secretary of each of said corporations under the corporate seals thereof and acknowledged by the President of each of such corporations before any officer authorized by the laws of this State to take acknowledgments of deeds to be the respective act, deed and agreement of each of said corporations and the agreement so certified and acknowledged shall be filed in the office of the Secretary of State, and shall thence be taken and deemed to be the agreement and act of consolidation of the said corporations; and a copy of said agreement and act of consolidation, duly certified by the Secretary of State under the seal of his office, shall also be recorded in the offices of the Recorders of the counties of this State in which the respective corporations so consolidating shall have their original charters recorded, or if any of the corporations shall have been specially created by a public Act of the Legislature, then said agreement shall be recorded in the county where such corporation shall have had its principal place of business, and such record, or a certified copy thereof, shall be evidence of the existence of the corporation created by the said agreement, and of the observance and performance of all antecedent acts and conditions necessary to the creation thereof.

To be filed in
office of Secretary
of State

Certified copy
thereof for Re-
corder

Section 60. When the agreement is signed, acknowledged, filed and recorded, as in the preceding section is required, the separate existence of the constituent corporations shall cease, and the consolidated corporations shall become a single corporation in accordance with the said agreement, possessing all the rights, privileges, powers and franchises, as well of a public as of a private nature, and being subject to all the restrictions, disabilities and duties of each of such corporations so consolidated, and all and singular, the rights, privileges, powers and franchises of each of said corporations, and all property, real, personal and mixed, and all debts due on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations shall be vested in the consolidated corporation; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the consolidated corporation as they were of the several and respective former corporations, and the title to any real estate, whether by deed or otherwise, under the laws of this State, vested in either of such corporations, shall not revert or be in any way

When merged
and consolidated
existence begins

Rights, powers,
etc.,

OF CORPORATIONS.

Preservation of rights of creditors impaired by reason of this Act; provided, that all rights of creditors and all liens upon the property of either of said former corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective former corporations shall thenceforth attach to said consolidated corporation, and may be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it.

Dissatisfied stockholders, payment for stock Section 61. If any stockholder in either corporation consolidating as aforesaid, who objected thereto in writing, shall within twenty days after the agreement of consolidation has been filed and recorded, as aforesaid, demand in writing from the consolidated corporation payment of his stock, such consolidated corporation shall, within three months thereafter, pay to him the value of the stock at the date of consolidation; in case of disagreement as to the value thereof, it shall be ascertained by three

Disagreement as to value of stock disinterested persons, one of whom shall be chosen by the stockholder, one by the directors of the consolidated corporation and the other by the two selected as aforesaid; and in case the said award is not paid within sixty days from the making thereof, and notice thereof given to said stockholder and said consolidated corporation, the amount of the award shall be evidence of the amount due by said corporation, and may be collected as other debts are by law collectible; on receiving payment of the award, said stockholder shall transfer his stock to the said consolidated corporation, to be disposed of by the directors thereof, or to be retained for the benefit of the remaining stockholders.

Transfer of stock Section 62. Any action or proceeding pending by or against either of the corporations consolidated may be prosecuted to judgment, as if such consolidation had not taken place, or the new corporation may be substituted in its place.

Suits prior to consolidation may be prosecuted or new corporation be substituted.

Liabilities, &c., of corporations Section 63. The liability of corporations created under this Act, or existing under the laws of this State, or the stockholders or officers thereof, or the right or remedies of the creditors thereof, of persons doing or transacting business with such corporation, shall not in any way be lessened or impaired by the sale thereof, or by the increase or decrease in the capital stock of any such corporation, or by the consolidation of two or more corporations, or by any change or amendment in the Articles of Incorporation.

Not affected by sale, increase or decrease of capital stock

Consolidated corporations Section 64. When two or more corporations are consolidated

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ed, the consolidated corporation shall have power and authority to issue bonds or other obligations, negotiable or otherwise, and with or without coupons or interest certificates thereto attached, to an amount sufficient with its capital stock to provide for all the payments it will be required to make, or obligations it will be required to assume, in order to effect such consolidation; to secure the payment of which bonds and obligations it shall be lawful to mortgage its corporate franchise, rights, privileges and property, real, personal and mixed; and may issue capital stock, to such an amount as may be necessary, to the stockholders of such consolidated corporation in exchange or payment for the original shares, in the manner and on the terms specified in the agreement of consolidation.

Powers and obligations as to bonds and stock thereafter

Section 65. If the franchise and property of any corporation formed under the provisions of this Act, or existing under the law of this State is sold, the persons who may become the purchasers, at private sale or under the judgment of the court, may organize a corporation for the continuation, operation and management of the same; and such corporation, when organized, shall have the same rights, privileges and franchises as have been granted to, or acquired by the corporation purchased; and shall be subject to all the limitations, restrictions and liabilities imposed upon it; and, in addition thereto, shall be subject to all the provisions of this Act. Such corporation shall be formed by Articles of Incorporation executed by the purchaser and his associates, and which shall, in addition to the requirements of the provisions of this Act, set forth the description of the property sold and the decree under which the sale was made; if it was sold under judgment, or if not, the deed conveying the property; the amount paid or to be paid, and to whom and by whom, and such other statements as may be deemed necessary. The articles shall be signed by the purchaser and his associates, if any, and shall be filed in the office of the Secretary of State, who shall furnish a certified copy of the same under his hand and seal of office, which shall be recorded as hereinbefore provided for certificates of incorporation; and when a certificate of such fact is delivered to the purchaser the corporation shall be deemed to be organized, and shall have all the rights, powers and privileges, and be subject to all restrictions, limitations and liabilities of other similar corporations organized under this Act.

Sale of franchise.

Purchasers to have the rights and franchises of the corporation purchased.

Formation of such corporation.

Execution, filing, &c. of articles of incorporation

Powers, &c

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Judicial sale
of franchise

Section 66. Sales of the property and franchises of such corporations that may be sold under a decree of Court shall be made after such notice of the time and place as the Court may deem proper; and if such sales are made in the foreclosure of one or more mortgages, the Court may order such sale to be made for the whole amount of the outstanding bonds and interest secured by such mortgage or mortgages or if the property and franchise will produce so much, then for the amount of interest due under said mortgage or mortgages, subject to the payment by the purchaser of the outstanding bonds and interest secured thereby as they become due; and in the latter event may, by proper orders, secure the assumption thereof by the purchaser; but when a sale shall be ordered to be made, subject as aforesaid, the Court shall direct the officer making such sale, in the event that the property and franchises offered do not sell for enough to pay the amount aforesaid, to sell the same free from encumbrances. Sales under this section shall be made on such credits as the court may deem proper.

Failure to
commence
business for
two years to
forfeit charter

Section 67. Any corporation organized under this Act shall forfeit all rights, privileges and franchises obtained thereunder, if it shall fail, for two years after its organization, to commence in good faith the business, or to promote the objects or purposes for which it was organized.

Want of legal
organization
no defense in
actions

Section 68. No corporation organized under this Act or existing under the laws of this State, shall be permitted to set up, or rely upon the want of legal organization as a defense to any action against it; nor shall any person transacting business with such corporation, or sued for injury done to its property, be permitted to rely upon such want of legal organization as a defense.

Judicial in-
quiry into or-
ganization

This section shall not be construed to prevent judicial inquiry into the regularity or validity of the organization of the corporation or its lawful possession of any corporate power it may undertake to assert in any other suit or proceeding where its corporate existence or the power to exercise the corporate rights it asserts is challenged, and evidence tending to sustain such challenge shall be admissible in any such suit or proceeding.

New certifi-
cates of stock
to be issued
for lost or de-
stroyed

Section 69. Every corporation organized under this Act, may issue a new certificate of stock in the place of any certificate theretofore issued by it, alleged to have been lost or destroyed, and the directors may, in their discretion, require the owner of the

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lost or destroyed certificate, or his legal representatives, to give the corporation a bond, in such sum as they may direct, not exceeding double the value of the stock, to indemnify the corporation against any claim that may be made against it on account of the alleged loss of any such certificate; a new certificate may be issued without requiring any bond when, in the judgment of the directors it is proper so to do, and when any such corporation shall have refused to issue a new certificate of stock in place of one theretofore issued by it, or by any corporation of which it is the lawful successor, alleged to have been lost or destroyed, the owner of the lost or destroyed certificate or his legal representatives, may apply to the Superior Court of the State of Delaware in and for the county in which the principal office of the corporation is located for an order requiring the corporation to show cause why it should not issue a new certificate of stock in place of the one so lost or destroyed; such application shall be by petition duly verified, in which shall be stated the name of the corporation, the number and date of certificate, if known or ascertainable by the petitioner, the number of shares of stock named therein and to whom issued, and a statement of the circumstances attending such loss or destruction; thereupon said Court shall make an order requiring the corporation to show cause at a time and place therein mentioned, why it should not issue a new certificate of stock in place of the one described in the petition; a copy of the petition or order shall be served upon the president or other head officer of the corporation, or on the cashier, secretary, treasurer or any director thereof personally or left at the principal office or place of business of the corporation in this State at least five days before the time designated in the order.

Directors may require bond for

Refusal to issue new certificate

Petition to Superior Court

Court may make order upon corporations, to show cause, &c

Copy of order to be served upon president or head officer of corporation

Section 70. At the time and place specified in the order, and on proof of service thereof, the Court shall proceed to hear the proofs and allegations in behalf of the parties in interest, relative to the subject matter of inquiry, and if upon such hearing the court shall be satisfied that the petitioner is the lawful owner of the number of shares of capital stock, or any part thereof, described in the petition, and that the certificate therefor has been lost or destroyed and cannot be found, and no sufficient cause has been shown why a new certificate should not be issued in place thereof, it shall make an order requiring the corporation, within such time as shall be therein designated, to issue and deliver to the petitioner a new certificate for the number of shares of the

Hearing

Order requiring issue of new certificate

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capital stock of the corporation, which shall be specified in the order as owned by the petitioner, and the certificate for which shall have been lost or destroyed; in making the order the Court shall direct that the petitioner file such bond in such form and with such security as to the Court shall appear sufficient to indemnify any person who shall thereafter appear to be the lawful owner of such certificate stated to be lost or stolen; any person who shall thereafter claim any rights under the certificate so lost or destroyed, shall have recourse to said indemnity, and the corporation shall be discharged from all liability to such person by reason of compliance with the order of Court; and obedience to said order may be enforced by the Court by attachment against the officers of the corporation, on proof of their refusal to comply with the same.

Petitioner to
file bond

Attachment,
&c

Corporations
for drainage,
or reclama-
tion of low
lands
Additional
powers

Section 71. Every corporation organized under this Act, for the drainage or reclamation of low lands, shall, in addition to the other powers conferred by this Act, have power, for the purpose of reclamation of low lands by ditching, draining and bringing them into cultivation, to enter upon any lands that, in the opinion of the directors or managers, will be benefited by the operations to be performed by the corporation, and with their workmen, laborers, teams, agents and employes, to cut and make, and when made, from time to time, to clean out, remove all obstructions and thoroughly cleanse all such ditches or drains as in the opinion of such directors or managers shall be necessary for effectually draining and reclaiming the said lands. Before proceeding to accomplish the ends of its incorporation, the said corporation shall apply to the Superior Court of the State of Delaware, in and for the county in which the low lands, desired to be drained, or the greater part thereof, may be located, for the appointment of commissioners to go upon the lands, through, along or across which the ditch or ditches of the said corporation are proposed to be cut, and view the same and determine whether any and which of them will be benefited by the same, and to make a return of their proceedings in the premises to the said Superior Court, with a survey and plot of the proposed ditches, showing their course, and the lands, by general designation, through, along and across which they will run and to be benefited thereby and the probable costs of making the improvements. They shall also return a valuation of the several parcels of land to be benefited by such improvements. Should there be upon the lines of the corporation's

Commission-
ers

Return of sur-
vey, plot, &c

Return of val-
uation

OF CORPORATIONS.

works any lands through, along and across which the ditch or ditches are to be made that will be injured by the making of them, they shall estimate such damage in money and the same shall be paid to the owner, or, in case of his refusal to receive it, or absence from the State, or inability by reason of legal disability, it shall be deposited to his credit in the Farmers' Bank, or that branch thereof at the county seat, in which the lands are located, before the company shall have any right to construct or make their works through such land.

Damage

The return of the commissioners upon being confirmed by the said Superior Court, shall be final and conclusive upon all parties, and shall be the basis upon which the taxes of the corporation are to be laid. Said return of the commissioners, together with the survey, and plot, being approved by the said Superior Court, shall be, by the Prothonotary, forthwith delivered to the Recorder of Deeds of the county in which the proceedings are instituted, to be by him recorded in a book to be procured for the purpose. The said valuation thus approved by the said court shall continue until a majority of the taxables or of those liable to pay the said taxes demand a new one, proceedings for which shall be taken in the said court by petition, and the prayer of the petitioner granted, if in the opinion of the court such new valuation is proper to be made at the time; and said new valuation, if any is ordered to be made, shall be returned to the court, and being approved, shall be, by the Prothonotary, forthwith delivered to the Recorder of the county, to be by him recorded in the same manner as is provided for the recording of the original proceedings.

Confirmation of return

Recording of return, &c

The continuance of valuation.

New valuation

Exceptions to the returns of commissioners hereinbefore provided for may be made by any person aggrieved thereby, and said exception shall be heard and determined under such rules and regulations as the court shall adopt for that purpose. Before any commissioners appointed under this section proceed to act they shall be sworn or affirmed by one of their own members, or other persons authorized by law to administer oaths, to perform the duties required of them with fidelity, which qualification must be certified upon their return. When record is made of the return, together with the survey and plot, where the survey and plot is a part of the return, the original shall be delivered over to the corporation, and it or the record thereof, or any certified office copy of the latter shall be evidence. The commissioners shall each be paid by the corporation two dollars for each day employed under

Exceptions to return

Oath of Commissioners

Evidence of return, &c

Compensation of Commissioners, surveyor, &c.

OF CORPORATIONS.

this Act, and the surveyor, for his survey and plot (including a fee of one dollar and fifty cents each day to the chain carriers) such sum as the commissioners may deem just, and tax the same upon the return; and this money shall be paid before the commissioners shall be required to make any return. The fees of the Prothonotary and all costs incurred in any and all proceedings had in this behalf in the Superior Court, shall be paid to the Prothonotary by the corporation, before he shall be required to deliver the returns, surveys and plots or any of them to the Recorder of Deeds as hereinbefore provided; and the fees of the Recorder shall also be paid to him at the time of the delivery to him of the said return, survey and plot. Whatever money the corporation may deem necessary to raise for cutting the ditch or ditches (including the expenses in this section provided for,) and for keeping the same open and in repair, shall from time to time, as the exigency may require, be collected by the taxation of the taxables, according to the nature of their property to be benefited; to provide for which the managers shall make an estimate of the money to be raised and apportion it among the said taxables; and they shall at once give notice, under their hands, of a meeting of said taxables, to be held on a day therein to be named, and at some convenient place, and between ten o'clock of the forenoon and four o'clock of the afternoon, of said day, to consider the said apportionment. At said meeting, any taxable, shall have the right to be present and object to the justice of the same in his case. The manager shall, at the close of the meeting (which shall be kept open at least three hours), reconsider their apportionment and alter the same, if they deem it just and expedient so to do. Such reconsideration shall be final, and then they shall make a copy of the apportionment under their hands, and deliver the same to the treasurer; and when the company orders money to be collected for its necessary purposes, the treasurer shall, upon receiving their warrant in writing, proceed to collect the same, from the respective taxables, according to such apportionment, and for that purpose shall have all the powers of a collector of county taxes. The apportionment shall continue until a new apportionment shall be made by the managers and approved at a meeting of taxables, called for the consideration thereof, which meeting shall be called in the same manner and kept open for the same time as is provided for the first apportionment, and made after the managers shall have reconsidered their apportionment and altered the same, if they shall deem it expedient so to do, and taxes may, from time to

Fees of Prothonotary, Recorder, &c

Taxation

Meeting of taxables

Voting

Reconsideration of apportionment

Collection of taxes

Continuance of apportionment

OF CORPORATIONS.

time, be collected according to it, as the needs of the company may require. Orders for collections, however, shall only be valid when made by the corporation at an annual meeting.

Orders to collectors

In case of private owners of a ditch or ditches not within the corporation's limits, but the waters collected in which can be discharged into the ditches of the corporation, such private owners may be allowed to connect with the ditch or ditches of the corporation on such terms as may be agreed upon, and may thenceforth become constituent members of the corporation, with the rights of such members, and subject as to themselves and their lands drained by such private ditch or ditches, to all the burdens and responsibilities of other members of the corporation; and the managers shall, at once, add their lands to the other lands within the corporation's operation, and apportion their share of the taxes among them as above provided with respect to original taxables.

Private ditches draining into that of corporations

The managers shall take account of all changes of ownership of lands within the corporation's limits from whatever cause, and substitute the names of the new owners or taxables in lieu of the old ones upon their original apportionment, from which they shall be transferred to the copy in the hands of the treasurer, and when transferred the new taxables shall stand in the place of the old, in all respects as if they had been original owners or taxables.

Changes of owners of land on ditch

Such corporations as are provided for in this section shall set forth the name of the hundred or hundreds in which their operations are to extend, in the certificate of their incorporation. All the provisions of section 7, chapter 59, Revised Code, as amended, &c., A. D. 1893, shall be applicable to all corporations created under the provisions of this Act for the drainage or reclamation of low lands.

Transfer of names of new owners

Location of ditch

Sec 7, of Chapter 59, Revised Code to apply

Section 72. Building and loan associations organized under this Act shall, in addition to the other powers herein granted, have power to sell their accumulated funds to and among their stockholders at any premium which may be obtained for the same, and when such funds cannot be loaned to any stockholder at par they may be loaned to any person not a stockholder at any rate of interest not exceeding six per cent., and every such association may take, as collateral security for such loans, shares of its own capital stock.

Building and Loan Associations
Additional powers

Section 73. Any number of persons, not less than nine may form a corporation under the provisions of this Act, which corporation so formed as aforesaid, shall have perpetual succession.

Railroads
formation of number of incorporators, succession, purpose, &c

OF CORPORATIONS.

for the purpose of constructing, maintaining and operating a railroad for the transportation of freight and passengers, and shall do and perform the several matters and things hereinafter stated and shall have and exercise all the rights, powers and privileges hereinbefore and hereafter conferred and be subject to all the duties, limitations, restrictions and liabilities hereinafter imposed upon such corporation; and for that purpose may make and sign articles of association, in lieu of the articles of association hereinbefore required by the provisions of this Act, in which shall be stated:

Articles of association

- | | |
|------------------|--|
| Name | 1. The name of the corporation. |
| Location | 2. The place from which and to which such railroad is to be constructed, maintained and operated. |
| Length | 3. The estimated length of such railroad and the name of each county in this State through or into which it is intended to be made. |
| Capital stock | 4. The amount of the capital stock of the corporation, which shall not be less than five thousand dollars for every mile of road proposed to be constructed. |
| Shares | 5. The number of shares of which said capital stock shall consist. |
| Directors | 6. The names and places of residence of nine directors of the corporation, who shall manage its affairs for the first year and until others are chosen in their places; and each such person shall subscribe thereto his name, place of residence and the number of shares of stock he agrees to take in such corporation; at least one of said directors shall be a resident of this State. |
| Principal office | 7. The name of the city, town, county or place within the county in this State in which its principal office or place of business will be located in this State. |

Approval of Articles by Judge

Section 74. Said articles of association shall be presented to one of the Judges of the Superior Court of the State of Delaware, who shall examine the same, and if found to conform to the requirements of this Act, shall endorse his certificate thereon accordingly. On compliance with the foregoing provisions and the requirements of the next succeeding section, which latter shall be evidenced by the receipt of the State Treasurer delivered to the Secretary of State, such articles of association may be filed in the office of the Secretary of State, who shall endorse thereon in writ-

Filing, recording, &c

OF CORPORATIONS.

ing the day they are filed, and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the Secretary of State to be filed, the persons who have so subscribed such articles of incorporation and all persons who shall become stockholders in such corporation, shall be a corporation by the name specified therein; every such corporation formed under this Act, in addition to the general powers hereinbefore in this Act set forth shall have power:

1. To have authority, by its officers and servants, to enter upon the lands or waters of any person or persons, which may be necessary, to make such examination and surveys for its proposed railroad as shall be required to be made, in the selection of the most advantageous route, but subject at all times to responsibility for all and any damage which shall be done to the property of any such person or persons.

2. To aid in the construction, maintenance and accommodation of its railroad, may take and hold such voluntary grants of real estate and other property as shall be made to it, but in all instances, the real estate received as a voluntary grant shall be held and used for the purpose of such grant only.

3. For the sole purpose, of the construction and maintenance of its railroad, and the stations and other accommodations necessary to accomplish the object of its incorporation, it may purchase, hold and use all such real estate or other property as may be necessary.

4. To construct its road and lay out the same as herein provided and for the purpose of cuttings and embankments, to take as much more land as may be necessary or required, for the proper construction and security for the road.

5. To use and exercise all other rights and powers herein granted.

Section 75. Articles of association, in compliance with the provisions of sections 73 and 74 of this Act, as amended, shall not be filed and recorded in the office of the Secretary of State until at least two thousand dollars of stock for every mile of railroad proposed to be made is subscribed thereto and paid, in good faith and in cash, to the directors named in said articles of association, nor until the said directors shall have deposited the said money so subscribed and paid to them with the State Treasurer, who is

Beginning of
existenceAdditional
powersSelection of
route, &c

Property

\$2,000 per mile
of proposed
road to be de-
posited with
State Treas-
urerPayment of
money by
State Treas-
urer

OF CORPORATIONS.

constituted the custodian of the same, and shall hold the same, subject to be repaid to the directors of the said corporation, or to the treasurer thereof, in sums of two thousand dollars for each mile of said railroad, upon the construction of which it shall be proved to his satisfaction, that the said corporation has expended at least the sum of two thousand dollars, nor until there is endorsed on such articles of association, or annexed thereto, an affidavit made by at least five of the directors named in said articles of association, that the amount of stock required by this section has been, in good faith, subscribed and paid in cash as aforesaid, and that it is intended in good faith, to construct or maintain and operate the road mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

Copy of charter, &c., to be evidence

Section 76. That a copy of any articles of association for the construction and operation of railroads, filed and recorded in pursuance of provisions of this Act, or of the record thereof, with a copy of the affidavit aforesaid indorsed thereon or annexed thereto and duly certified to be a copy by the Secretary of State, shall be presumptive evidence of the incorporation of such corporation and of the facts therein stated.

Judicial inquiry

Nothing in this section contained shall prevent judicial inquiry into, and ascertainment of the existence of the corporation or the possession of the corporate powers it undertakes to assert in any suit or proceeding wherein the same shall be challenged.

Subscription to capital stock.

Section 77. The directors named in said articles of association may, when such articles of association and affidavit are filed and recorded in the office of the Secretary of State, in case the whole of the capital stock is not before subscribed, continue to receive subscriptions until the whole capital stock is subscribed; at the time of subscribing every subscriber shall pay to the directors ten per centum on the amount subscribed by him, in money, and no subscription shall be received or taken without such payment.

Directors, number, &c

Section 78. That there shall be a board of not less than nine directors of every corporation formed under this Act for the purpose of constructing and operating a railroad or railroads, to manage its affairs; said directors shall be chosen annually by a majority of the votes of the stockholders at such election, and in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others

Election of

OF CORPORATIONS.

are elected and qualified in their places; in the election of directors each stockholder shall be entitled to one vote for each share of stock held by him; vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation; the inspectors to hold the first election of directors shall be appointed by the board of directors named in the articles of association; no person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen; at every election of directors the books and papers of such company shall be exhibited to the meeting and subject to the inspection of those present, provided a majority of the stockholders present shall require it.

Section 79. That within thirty days after the articles of association are filed in the office of the Secretary of State the directors therein named shall organize by the election of one of their number president; they may also elect a treasurer and secretary and adopt such by-laws as may appear to be proper and right for the government of the corporation.

Section 80. That the stock of every company formed under this Act shall be deemed personal estate and be transferable in the manner prescribed by the by-laws of the company, but no shares shall be transferable until all previous calls thereon shall have been paid.

Section 81. That whenever any corporation created under this Act cannot agree with the owner or owners of any land, sand earth, gravel or other materials necessary to be taken and used in the construction of the said railroad, for the purchase thereof, the said corporation may apply to the Associate Judge of the State of Delaware, resident in the county where the land and materials necessary to be taken are located, first giving the other party or owner, at least five days' notice in writing of the intended application if within the State; and if said other party or owner be unknown or without the State, then such notice shall be published in some newspaper in the county in which the land proposed to be taken is located, at least five days prior to the intended application, and the said Associate Judge shall appoint five judicious and impartial freeholders, to view the premises and assess the damages which the owner or owners will sustain by reason of the said railroad passing through, taking and using the same. The

OF CORPORATIONS.

Oath of freeholders	said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace, or Notary Public, before entering on the premises, faithfully and impartially to perform the duties assigned them. They shall give ten days' notice, in writing, to the owner or owners of the premises, or to their guardian or guardians, duly appointed according to law, if within the State, and the same to the president of the corporation of the time of their meeting to view the premises; and the said commissioners shall certify their finding and award to both parties, but if either party is dissatisfied with the damages so assessed, such party may, on application to the Prothonotary of the Superior Court of the State of Delaware, in and for the county where the land lies, within thirty days after such assessment, sue out a writ of ad quod damnum, requiring the sheriff, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages as aforesaid, and their report shall be final; the said commissioners shall, in assessing the damages as aforesaid, award at least the actual cash value of the land, sand, earth, gravel or other materials so to be taken and used, as aforesaid, whereupon the corporation, upon paying the damages so assessed, shall become entitled to have, hold, use and enjoy the said lands and materials for the purposes by them required, forever: and in case any owner of lands necessary and taken for the purpose of construction of the said railroad, shall be a minor or a non-resident, or for any cause incapable of receiving, or unwilling or neglecting to receive said damages, or to call upon the said corporation, for the same, the said corporation may deposit the amount of the said damages to the credit of such owner or owners, in the Farmers' Bank in the county in which the said land and materials taken are located, subject to his, her or their order, whereupon the said corporation shall be entitled to have, hold, use and enjoy the said lands, premises and materials described and condemned in said report and required for the purposes of said corporation, for or on account of which said damages shall have been so assessed; the expenses of the assessment by the said commissioners of the damages aforesaid and the fees of the said Sheriff, Prothonotary and all costs incurred in the execution of the writ of ad quod damnum, shall in all cases be paid by the corporation.
Notice of meeting.	
Return of finding.	
Writ of ad quod damnum.	
Award.	
Payment to entitle to land etc.	
Deposit of damages due minors, &c.	
Payment of expenses, &c.	
Width of road.	Section 82. That any railroad constructed under the provisions of this Act shall not exceed sixty-six feet in width unless more land shall be required for the slopes of cuts and embank-

OF CORPORATIONS.

ments, with as many sets of tracks and rails as such corporation may deem necessary, and it shall be lawful for such corporation, its agents, engineers, superintendents, or others in its employ to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such railroad, and of locating the same, and all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railroad and the location or locations of all other works, buildings, conveniences, appurtenances and appendages thereof, shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the Secretary of State, then it shall be lawful for every such corporation formed under this Act, upon payment or tender of such compensation as hereinbefore provided, by the officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a railroad with a single or double track, with such side tracks, turnouts, offices, stations and depots as they may deem necessary at and between the points named in the articles of association, commencing at or within and extending to or into any town, city or village named as the place of terminus, and from time to time, either before or after completion of the main line, construct, maintain and operate branches within the limits of any county through which said road may pass. lay rails, and for that purpose to enter upon, take possession of, hold, have, use, occupy and excavate any lands, and erect any embankments, bridges and all other necessary works, and to do other things which may be suitable or necessary for the completion, repairs or management of said railroad, and for the conveyance of passengers and freight to and from the termini thereof by steam power; provided, always, that the payment or tender of payment of all damages for the occupancy of all lands through, under or upon which said railroad and its conveniences, appurtenances and appendages may be laid out or located, be made before the said corporation, or any person under its direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railroad and its conveniences, appurtenances and appendages and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained; and provided further, that the survey of the route of any branch shall not be filed in the office of the Secretary of State until the officers or di-

Entry on
lands.Survey of
route, filing,
&c.Payment for
lands, &c.Constructions
&c.

OF CORPORATIONS.

Deposit of \$2,000 per mile with State Treasurer. Directors of the corporation shall have deposited with the State Treasurer a sum equal to at least two thousand dollars for every mile and a proportionate sum for any distance less than a mile, of such branch which it is proposed to construct, and the said treasurer shall be custodian of such fund, and shall hold the same, subject to be repaid to the directors or treasurer of such company in sums of two thousand dollars for each mile and a proportionate sum for any distance less than a mile, of such branch upon the construction of which it shall be proved to his satisfaction that such amount has been expended; and provided further, that the construction of all such branches, shall be commenced within six months from the date of filing the survey thereof as aforesaid and shall be completed and opened within three years from the date of the commencement of the construction as aforesaid.

Time of commencement and completion.

Bridges and passages. Section 83. It shall be the duty of every railroad corporation organized under this Act to construct and keep in repair good and sufficient bridges and passages over, under or across the said railroad or right of way where any public or other road, street or avenue, now or hereafter laid shall cross the same, so that public travel on the said road shall not be impeded thereby; and it is further provided, that such bridges and passages shall be of such width and character as shall be suitable to the locality in which the same are situated; and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagonways, over, under or across the said railroad, and shall also construct and maintain suitable and proper cattleguards at all road crossings; provided, always, that in case any such railroad shall cross any street or streets, highway or highways, in any city or incorporated town, it shall be either above or below the grade of said street or streets, highway or highways, at such a distance as shall not interfere with the free and uninterrupted use of such street or streets, highway or highways; provided, further, that the council of any city or the commissioners of any incorporated town, or other persons having control over such street or streets, highway or highways, may grant permission to said corporation to cross such street or streets, highway or highways within the limits of the respective city or incorporated town at grade, if they deem it to be for the best interest of the city or incorporated town; and further provided that in the event that such corporation shall not, within a reasonable time after notification from the Council of the city or

Wagonways.

Cattleguards.

Crossing Streets, &c.

OF CORPORATIONS.

Commissioners of the incorporated town or other persons having control over such street or streets, highway or highways, in which such bridges and passages are to be so constructed, or repaired, proceed to construct or repair the same as required by this Act, the said Council or Commissioners or other persons aforesaid may, in the corporate name of such city or town, institute proceedings in the Court of Chancery against such corporation to compel the specific performance of the duties imposed upon such corporation by this section of this Act, and in case a decree shall be made against such corporation in said proceedings, commanding it to specifically perform said duties, within a reasonable time to be fixed, and if such corporation shall neglect or refuse to specifically perform such duties within such time, the Chancellor, upon proof of such neglect or refusal may in his discretion, issue a writ of injunction to restrain said corporation from the exercise of any franchise or the transaction of any business in this State until said corporation shall have obeyed the command of said decree and shall have paid the costs of said proceedings, including a reasonable allowance to the solicitor of such city or town, to be fixed by the Chancellor; and further, provided, that said council or commissioners or other persons aforesaid in the event of the failure of such corporation to construct or repair such bridges or passages within a reasonable time after notification as aforesaid, may if they deem it advisable so to do, proceed themselves to construct or repair such bridges or passages, and when the costs thereof shall have been ascertained, the same may be collected of and from said corporation by said Council or Commissioners or other persons aforesaid by an action at law in any court of competent jurisdiction; provided further, that the permission of the Council of any city, of the Commissioners of any incorporated town or other persons hereinbefore referred to, shall not be necessary for the purpose of crossing any street or streets, highway or highways, at grade, unless said street or streets, highway or highways, at the point where said railroad shall cross, or at some point between the crossing of said railroad and the nearest terminus of said street or streets, highway or highways, shall be in actual use by and for pedestrians and teams at the time of acquirement of the right of way of said railroad across such street or streets, highway or highways.

Section 84. That any railroad corporation created under this Act which shall have duly located the route of its railroad by ^{Crossing} ~~streams~~, &c.

OF CORPORATIONS.

a survey deposited in the office of the Secretary of State, as required by Section 82 of this Act as amended, shall have power in the construction of its said railroad on such route, to cross any canal, navigable stream or water-course between its termini but in such manner as not unnecessarily to impede the navigation and use thereof; and shall also have power to cross any railroad or railway intervening between such termini and acquire the necessary easement for such crossing either by agreement with the corporation owner thereof or, on failure to agree, by condemnation proceedings in the manner prescribed by Section 81 of this act as amended. Provided, however, that whenever practicable so to do, the crossing at grade of any railroad or railway shall be avoided, but if not practicable, the crossing may be at grade subject to the further provisions made by this section, and in that event it shall be the duty of the corporation whose railroad track or tracks shall cross the track or tracks of such other railroad or railway company, at its own expense to erect and maintain at such crossing a signal tower and signals of a generally approved pattern with an electric warning attachment, and also to maintain an interlocking system with derailing switches, and keep a competent watchman and switchman on duty thereat; and the trains of the crossing company shall come to a full stop at least two hundred feet from the tracks of the railroad or railway crossed; and the trains or cars of the company owning or operating the railroad or railways so crossed at grade shall have precedence and priority of movement over the trains of the company constructing the crossing. And, provided further, that no such grade crossing shall be permitted or effected until the question of the practicability of an overhead or undergrade crossing shall have been considered and determined by the Chancellor, who shall upon the petition or bill of the company desiring to effect such crossing at grade, have full power and jurisdiction upon notice to and answer by the company whose tracks are proposed to be crossed, to hear and determine the matter by an appropriate decree, either refusing or permitting the crossing at grade, and if permitted to prescribe and regulate by such decree the manner and character of the said crossing, together with such safeguards against collisions thereat, in addition to those by this section provided as he may deem proper, with the right of appeal from the Chancellor's decree to the Supreme Court by either party, as in other cases in equity.

Crossing rail-
roads, &c.

Grade cross-
ings avoided.

Signals,
switches, &c.

Decision of
question of
practicability
of grade cross-
ings.

Appeal.

OF CORPORATIONS.

Section 85. That any corporation created under this Act for the purpose of constructing a railroad, shall commence the proposed construction within six months from the date of its organization, and complete at least, one track of said road within three years from the date of the commencement, as aforesaid; provided, that if any company or corporation organized under this Act shall fail to comply with the provisions of this section, it shall thereby forfeit the franchise given it by this Act; provided, further, that if any corporation organized under this Act, shall be restrained, prevented or enjoined by any proceedings whatever at law or in equity from prosecuting the work on its road, or from opening or completing its said road, the time during which any such corporation shall be so restrained, prevented or enjoined, shall not be taken or computed as any part of the time allowed and limited in this section for the opening and completing of said road.

Time of commencement and completion.

Section 86. Any corporation organized under this Act for the construction and operation of a railroad shall have power to borrow such sums of money, from time to time, not exceeding in the aggregate double the amount of its full paid capital stock, as shall be necessary to build, construct, or repair its road, and furnish all necessary engines and other equipments for the uses and objects of said corporation, and to secure the repayment thereof by the execution, negotiation and sale of any bond or bonds, and secure the same by mortgage on said lands, privileges, franchises and appurtenances of and belonging to said corporation; provided, that said corporation shall not plead any statute or statutes against usury in any court of law or equity, in any suit instituted to enforce the payment of any bond or mortgage executed under the provisions of this section; and provided, further, that said bonds and mortgages shall constitute a first lien on the railroad, its cars, real estate and franchises, and the proceeds of said bonds shall be used for the purpose of aiding in the construction of said railroad and equipments; and provided, further, that if any person or persons, shall issue such bonds to any greater amount than double the amount, at the time of such issue, that shall have been actually paid up on the capital stock of such railroad, he, she or they shall be guilty of a misdemeanor, and shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than three years, or by both, at the discretion of the court.

Power to borrow money. Purposes.

Securing.

Lien.

Penalty for issuing bonds more than double paid capital.

OF CORPORATIONS.

Fences. Section 87. Every corporation created under this Act, for the construction of a railroad shall erect and maintain fences on both sides of its railroad, of the height and strength of a fence required by law, with openings or gates or bars therein, at farm crossings or the road for the use of proprietors of lands adjoining such railroad; and shall also construct and maintain cattle guards at all the road crossings suitable and sufficient to prevent cattle and other animals from getting on the railroad; and until such fences and cattle guards shall be duly made, the corporation shall be liable for all damages which shall be done by their engines and cars to cattle, horses or other animals thereon; and after such fences and guards shall be duly made and maintained the corporation shall not be liable for any such damages, unless negligently or wilfully done; and if any person shall ride, lead or drive any horse or other animal upon such railroad and within such fences and guards other than at farm crossings without the consent of the corporation, he shall for every such offense forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved; it shall not be lawful for any person other than those connected with or employed upon the railroad to walk along the track or tracks of any such railroad, except when the same be laid along public roads or streets.

Cattle guards.

Damages.

Trespass.

Badges of employees.

Section 88. Every conductor, baggage-master or brakeman of any railroad corporation, formed under this Act, employed in a passenger train, shall wear upon his hat or cap a badge which shall indicate his office, and the initial letters of the name of the corporation by which he is employed; no conductor or collector of fares or tickets, without such badge shall be entitled to demand or receive from any passenger any fare or ticket, or to exercise any powers of his office, and no officer without such badge shall have authority to meddle or interfere with any passenger, his baggage or property.

Damages to road, &c.

Section 89. Any person who shall wilfully impair, injure, destroy or obstruct the use of any railroad enjoyed under the provisions of this Act or any of its necessary works, wharves, bridges, carriages, engines, cars, machines, or other property, shall forfeit and pay to the corporation the sum of fifty dollars, to be by it recovered in any court having competent jurisdiction in any action of debt; and further shall be liable for all damages sustained.

OF CORPORATIONS.

Section 90. It shall be the duty of every railroad corporation created under the provisions of this Act, to make an annual report to the stockholders of its operations, which report shall be verified by the affidavit of the secretary, treasurer, superintendent or directors of the corporation and shall state: Annual report to stockholders.

The entire length of the road in operation, the length of single track, the length of double track, and the weight of rail per yard.

The full amount of the capital stock annually subscribed and the full amount paid thereon.

The entire amount of the actual cost of the road, showing the amount expended for the right of way, bridging, grading, iron and other buildings respectively, and for all other purposes incidental to the construction of such road.

The nature of the amount of its indebtedness, distinguishing the first or other mortgage bonds, and the unsecured indebtedness and the amount due the corporation.

The amount received for the transportation of passengers, property and mails, for interest, and from all other sources respectively

The amount of freight, specifying the quantity in tons or other usual mode of measurement.

The full amount paid for repairs of the road, buildings, engines and cars respectively, for fuel, taxes and interest, specifying the indebtedness on which the same is paid; for the wages and employees; the aggregate amount paid for salaries of officers and for any other purpose incidental to the business of transportation, so as to give a complete statement of the entire annual expenses of the corporation.

The entire amount paid for loss and damage to freight and injury to person and property.

The full number and amount of dividends and when made and in what manner such dividends have been paid.

The entire amount appropriated to sinking fund, and the manner in which the same has been applied, and the total amount then held by such sinking fund.

OF CORPORATIONS.

The whole number of persons killed or injured, the causes thereof, if known, and whether passengers or persons employed by the corporation; and the secretary of each railroad corporation, formed as aforesaid, shall mail to every stockholder thereof, whose post office address is known, a copy of said annual report and shall file a certified copy thereof with the Secretary of State on or before the expiration of fifteen days from the making of such annual report.

Filing copy.
Consolidation
of connecting
railroads.

Manner of.

Powers.

Section 91. It shall be lawful for any railroad company of this State, whether created by prior special Act, or under this Act, to consolidate with any other railroad company incorporated under the laws of this State or any other State, or of the United States, whose railroad within or without this State shall connect, or form a continuous line, with the railroad of the company so consolidated. Such consolidation shall be made in the manner and by the proceeding in this Act prescribed; and the corporation created thereby shall be possessed of, exercise and enjoy all the rights, powers and privileges which this Act confers upon consolidated companies; and it shall likewise be possessed of, exercise and enjoy all the franchises, rights, powers, privileges, immunities and benefits which any corporation of this State constituent thereof was possessed of or entitled to exercise under its charter or any law of this State; and shall be subject, within this State, to the conditions and restrictions imposed by its charter on any corporation of this State constituent thereof.

Signal boards

Section 92. Every railroad corporation formed under this Act shall cause signal boards, well supported by posts, or otherwise, at such heights as to be easily seen by travelers, and not obstructing travel, containing on each side, in capital letters, at least five inches high, the following inscription: "Railroad Crossing," to be placed and constantly maintained, at such public highway where it is crossed by the railroad at the same level; but such board need not be put up in cities or towns, unless required by the authorities thereof.

Gates.

Section 93. Whenever, in the opinion of the authorities of any city or incorporated town, the public interest requires that a gate be erected and maintained, or a flagman stationed and kept at the place where any highway or street is crossed, within the corporate limits of such town or city, by any railroad constructed under this Act, they shall give the superintendent or manager

OF CORPORATIONS.

of the railroad written notice that the same is required and the corporation shall, within the time prescribed in such notice, erect and maintain at such crossing the style of gate directed in said notice, and keep a man in charge of the same during such hours Flagman. as the said authorities may designate, or keep a flagman at such crossing during such hours as they may require. And the said authorities may authorize the discontinuance of such gate or flagman whenever in their judgment the public interest no longer requires the same.

Section 94. No passenger car on any railroad of any corporation organized under the provisions of this Act shall be lighted by naphtha or by illuminating oil or fluid made in part of naphtha, or of any oil or fluid which will ignite at a temperature of less than three hundred degrees Fahrenheit. Lighting of cars.

Section 95. No regular or other passenger train on any railroad constructed under this Act shall be run without an air brake, or some equally effective appliance for controlling the speed of trains, which may be applied by the engineer to each car composing the train, and which shall at all times be kept in good condition and ready for use at the discretion of the engineer. Air brake.

Section 96. Any corporation failing to comply with or violating or permitting any of its employees or agents to violate any of the provisions of Sections 88, 92, 93, 94 and 95 of this Act as amended, shall in addition to subjecting itself to any damages that may be caused by such failure or violation be guilty of a misdemeanor, and upon conviction thereof be fined for failure or violation, not less than one hundred dollars nor more than five hundred dollars. Violation of certain provisions. Penalty.

Section 97. No railroad or railway corporation organized under this Act shall charge, demand, or receive from any person, company, or corporation for the transportation of passengers or property a greater sum than it shall charge or receive from any other person, company or corporation for like service, from the same place, under like conditions, under similar circumstances, and for the same period of time. For every violation of the provision of this section such corporation shall be liable to the party suffering thereby in double the entire amount so charged to such party, to be recovered before any court having jurisdiction thereof; provided, however, that nothing in this section shall be construed to prohibit the carriage or handling of persons or prop- Discrimination in charges, &c prohibited. Penalty. Exceptions.

OF CORPORATIONS.

erty free or at reduced rates for the United States, State or municipal governments, or to or from fairs and expositions for exhibitions thereof; or the free carriage of destitute and homeless persons transported by charitable societies and the necessary agents employed in such transportation; or the issuance of mileage, excursion, or commutation passenger tickets; nor to prohibit any such corporation from giving reduced passenger rates to ministers of religion solely engaged in ministerial duties or to the United States, State or municipal governments; nor to prohibit any such corporation from giving free carriage to their own officers and employees; or to prevent the principal officers of any such corporation from exchanging passes or tickets with other railroad corporations for their officers and employees; nor to prohibit any such corporation from giving reduced rates of transportation to other railroad corporations for railroad construction, material, equipment, or supplies.

Fees to State.

Section 98. Every railroad corporation organized under the provisions of this Act shall be required, upon filing the certificate, to pay to the Secretary of State the fees hereinafter provided for; and also pay to the State Treasurer for the use of the State such tax as is required by the provisions of Chapter 458, Volume 12, of the Laws of this State, entitled "An Act to raise revenue for this State," and Chapter 392, Volume 13, of the Laws of this State, entitled "An Act taxing railroad and canal companies in this State," provided, however, that such railroad shall be entitled to the rights of commutation therefor as is provided by law for other railroad corporations of this State.

Annual tax.

**Steam, heat,
and power
companies.
Additional
powers.**

Section 99. Every corporation organized under the provisions of this Act for the purpose of producing or distributing steam, heat and power, shall in addition to the powers conferred upon corporations generally, have full authority to lay the necessary pipes and conduits beneath the public roads, highways, streets, avenues and alleys in this State; provided, however, that such pipes and conduits shall be laid at least three feet below the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with public travel, or damage public or private property; and provided, also, that the consent of the Council, Town Commissioners or other persons having control over the public roads, highways, streets, avenues and alleys of the city, town and district wherein or through which it is contemplated to lay such pipes and conduits beneath such public roads,

OF CORPORATIONS.

highways, streets, avenues or alleys shall first, and as a condition precedent, be obtained before any such public roads, highways, streets, avenues, or alleys shall be disturbed, opened or dug up; such consent of said Council or Town Commissioners to be by ordinance of such Council or Commissioners duly adopted, or of such person having control over the public roads or highways, by resolution adopted at a meeting to be held not less than thirty days after notice thereof shall have been given by notices posted up in five of the most public places on the public road or highway which is proposed to be used for the purposes aforesaid; that such use of public roads, highways, or streets, avenues and alleys in any of the cities, towns or districts of this State shall be subject to such terms, regulations and restrictions as may be imposed by the Council, Town Commissioners or other persons having control over the public roads and highways of the district, and that the portions of surface of the roads, highways, streets, avenues and alleys disturbed in laying the said pipes, shall be immediately restored to their original condition and that any pavements, which are removed for the purpose of laying or repairing the pipes shall be restored to as good condition as they were previous thereto, and so maintain the same for six months after the completion of the work, and in case of failure on the part of the corporation to so maintain and restore the same, the Street Commissioner or other officer having supervision of the streets may properly restore and maintain the same, and the costs thereof may be recovered by the city or town from the corporation in any court of competent jurisdiction.

Section 100. It shall be the duty of every corporation organized under the provisions of this Act in laying any pipe or conduits in any of the public roads, highways, streets, avenues and alleys, to be used for conveying steam, heat or power to lay the same at a distance not less than three feet, if possible from the outside of any water or gas pipe already laid, except in cases where it shall be necessary that said pipes or conduits shall cross any such water or gas pipe, and there such pipes or conduits shall be at least twelve inches distant from the outside of any water or gas pipe already laid. Laying pipes.

Section 101. Every corporation organized under the provisions of this Act for the purpose of constructing, maintaining and operating works for the supply and distribution of electricity for electric lights, heat or power, shall in addition to the Electric light, heat or power companies.
Additional powers.

OF CORPORATIONS.

powers conferred upon corporations generally, have full power to use the public roads, highways, streets, avenues and alleys in this State for the purpose of erecting posts or poles on the same, to sustain the necessary wires and fixtures; provided that the consent of the Council, Town Commissioners or other persons having control over the public roads, highways, streets, avenues and alleys of the city, town and district in or upon which the said posts or poles are to be erected, shall first, and as a condition precedent, be obtained; and provided, further, that no posts or poles shall be erected in any street of any city or incorporated town except in those streets which shall be designated by the said authorities thereof, and then only in such place and manner as shall be thus designated, and that the same shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said streets, highways and roads; and that the use of the public streets in any of the cities and incorporated towns of this State shall be subject to such regulations and taxation as may be first imposed by the corporate authorities of such cities and towns; and provided also that no posts or poles shall be erected upon the soil or property of any person or persons without first obtaining the consent in writing of the owner or owners of the soil or property; and provided, also, that any wire crossing a railroad shall not be at a less elevation than twenty-three feet.

Laying pipes
or conduits,
&c.

Section 102. Every such corporation is authorized and empowered to lay pipes or conduits and to lay wires therein beneath the public roads, highways, streets, avenues and alleys as they may deem necessary; provided, that said pipes and conduits shall be laid at least two feet below the surface of the same and shall not in any wise unnecessarily obstruct or interfere with public travel, or damage public or private property, and shall not be laid nearer than three feet, except as is hereinafter excepted, to any water or gas main; but no public streets shall be opened for the purpose of laying any such pipes, conduits or wires without the consent of the Council of any city, or the Town Commissioners of any incorporated town, or other persons having control over said public roads, highways, streets, avenues and alleys; and provided, that such use of the public streets in any of the cities and towns of this State shall be subject to such regulations, taxation and restrictions as may be first imposed by the corporate authorities of such cities and towns.

OF CORPORATIONS.

Section 103. Every corporation in laying wires for conveying electricity or the conduits containing said wires, shall lay the same at the greatest practicable distance from the outside of any water or gas pipe now laid down, and when it is practicable and so provided in its permits such distance shall not be less than three feet, except in case where it shall be necessary that the said wires or conduits shall cross or intersect any such water or gas pipe. Laying wires.

Section 104. Every corporation organized under the provisions of this Act, for the purpose of the production, distribution and sale of gas to be made from coal or other materials, and also every corporation organized as aforesaid, for the supply and distribution of water, and every corporation organized as aforesaid for the transportation and storage of oil, shall in addition to the powers conferred upon corporations generally, have full authority to lay down necessary pipes, mains and conduits beneath the public roads, highways, streets, avenues and alleys of any county, city, incorporated town or district of this State; provided, however, that such pipes, mains and conduits shall be laid at least three feet below the surface of the same, and shall not in anywise unnecessarily obstruct or interfere with public travel, or damage public or private property; and provided, also, that the consent of the Council, Town Commissioners or other persons having control over the public roads, highways, streets, avenues and alleys of the county, city, town and district wherein or through which it is contemplated to lay such pipes, mains and conduits beneath such public roads, highways, streets, avenues or alleys shall first and as a condition, precedent be obtained, before any such public roads, highways, streets, avenues or alleys, shall be disturbed, opened or dug up; such consent of such Council or Town Commissioners or other persons having control over such roads, highways, streets, avenues and alleys to be by ordinance of such Council or Commissioners duly adopted, or by resolution of such persons having control over the public roads or highways, adopted at a meeting to be held not less than thirty days after notice thereof shall have been given by notices posted up in five of the most public places on the public road or highway which is proposed to be used for the purpose aforesaid; that such use of public roads, highways or streets, avenues and alleys in any of the counties, cities, towns or districts of this State shall be subject to such terms, regulations, taxation and restrictions Gas or water companies.
Additional powers.

OF CORPORATIONS.

as may be imposed by the Council, Town Commissioners or other persons having control over the public roads and highways of the county, city, town or district, and that the portions of surfaces of the roads, highways, streets, avenues and alleys disturbed in laying the said pipes shall be immediately restored to their original condition, and that any pavements, which are removed for the purpose of laying or repairing the pipes, water-mains and conduits, shall be restored to as good condition as they were previous thereto, and so maintain the same for six months after the completion of the works, and in case of failure on the part of the corporation to so restore and maintain the same, the Street Commissioner or other officer having supervision of the streets may properly restore and maintain the same, and the costs thereof may be recovered by the city or town from the corporation in any court of competent jurisdiction.

Manner of
taking lands
easements, &c
for use of
company.

Any such company mentioned in this Section may take lands, easements, and rights of way, for locating, constructing, maintaining and operating its pumps, pump houses and stations, tanks and reservoirs, hydrants and delivery stations, and offices, and for laying down its pipes, tubes, conduits, connections and branches from any points to any other points in the State, and for all necessary purposes of the corporation, including the right to cross any railroad, and the right to appropriate a right of way and locate its pipes, tubes or conduits upon, over or under, and across any lands, water streams, rivulets, canal, roads, turnpike roads or other highway in such manner as shall not interfere with the ordinary use of the same: provided, that in crossing any rivulet or other stream, the pipes, tubes and conduits shall be laid and securely suspended above flood line, or laid beneath the bed of any rivulet or other stream so crossed. Any company occupying any lands cleared and used for agricultural purposes, by laying thereon, or thereunder any of its pipes, tubes, or conduits, shall bury the same at least twenty-four inches below the surface if so required by the owner of the land. In case any corporation mentioned in this Section desiring to acquire, occupy or use any lands in this State for its corporate use, cannot agree with the owner or owners thereof as to the terms and conditions of such acquisition, occupancy, or use, and the value, compensation or damages to be paid for such acquisition, occupancy or use, it shall have the right to acquire, use and hold such lands in like manner as is provided in Section 81 of this Act as amended for acquiring lands for the location, construction and main-

OF CORPORATIONS.

tenance of railroads.

Section 105. That any telegraph or telephone corporation organized under the provisions of this Act, shall in addition to the powers conferred upon corporations generally, have authority to occupy and use the public streets, roads, lanes, alleys, avenues, turnpikes and water-ways within this State, or elsewhere, if they shall extend their lines and business, for the erection of poles and wires or cable or underground conduits, portions of which they may lease, rent or hire to other like companies; provided that before entering upon any street, road, lane, alley, avenue, turnpike, or water-way, the consent of the authorities having jurisdiction thereof shall have first been obtained and the same shall be used and occupied under such rules and regulations as shall be prescribed by such authorities; and that the portions of the surfaces of the streets, avenues or alleys, disturbed in laying the wires, cables or underground conduits, shall be immediately restored to their original condition and that any pavements which are removed for the purpose of laying or repairing the wires, cables or underground conduits, shall be restored to as good condition as they were previous thereto, and so maintained for six months after the completion of the works, and in case of failure on the part of the corporation to so restore and maintain the same, the proper authorities having supervision of the streets, avenues and alleys may properly restore and maintain the same and the cost thereof may be recovered by the city, town or district from the corporation in any court of competent jurisdiction; provided that all posts or poles which shall be erected by authority herein conferred shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said roads and highways; and provided further, that all wires fastened upon posts or poles erected as aforesaid, shall be placed at the height of not less than twenty feet above all road crossings, and twenty-three feet above railroad crossings; and that no posts or poles shall be erected upon the soil or property of any person without first obtaining the written consent of the owner thereof.

Section 106. Any number of persons not less than five may form a corporation under the provisions of this Act, which corporation so formed as aforesaid, shall have perpetual succession for the purpose of constructing, maintaining and operating a railway, for the transportation of freight and passengers, the

Telegraph
and telephone
companies.
Additional
powers of.

Railways.

Formation,
incorporation,
succession,
purposes, &c.

OF CORPORATIONS.

carriages, coaches and cars of which, to be moved or propelled by electricity, by cable or motor or by any improved motive power other than steam and shall do and perform the several matters and things hereinafter stated and shall have and exercise all the rights, powers and privileges hereinbefore and hereinafter conferred and be subject to all the duties, limitations, restrictions and liabilities hereinafter imposed upon such corporations; and for that purpose may make and sign articles of association, in lieu of the articles of association hereinbefore required by the provisions of this Act, for corporations generally and for railroad corporations where steam power is used, in which shall be stated:

Articles of association.

- Name.** 1. The name of corporation.
- Location.** 2. The place from which and to which such railway is to be constructed, maintained and operated.
- Length.** 3. The estimated length of such railway and the name of each county in this State through or into which it is intended to be made.
- Capital stock.** 4. The amount of the capital stock of the corporation which shall not be less than two thousand dollars for every mile of road proposed to be constructed.
- Shares.** 5. The number of shares of which said capital stock shall consist.
- Directors.** 6. The names and places of residence of the five directors of the corporation who shall manage its affairs for the first year and until others are chosen in their places; and each such person shall subscribe thereto his name, place of residence and the number of shares of stock he agrees to take in such corporation. At least one of said directors shall be a resident of this State.
- Principal office.** 7. The name of the city, town, county or place within the county, in this State, in which its principal office or place of business will be located in this State.

Approval of articles by Judges.

Section 107. Said articles of association shall be presented to one of the Judges of the Superior Court of the State of Delaware, who shall examine the same, and if found to conform to the requirements of this Act, shall endorse his certificate thereon accordingly. On compliance with the foregoing provision and

OF CORPORATIONS.

the requirements of the next succeeding section, which latter shall be evidenced by the receipt of the State Treasurer, delivered to the Secretary of State, such articles of association may be filed in the office of the Secretary of State, who shall endorse thereon in writing the day they are filed, and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the Secretary of State to be filed, the persons who have so subscribed such articles of incorporation and all persons who shall become stockholders in such corporation shall be a corporation by the name specified therein; every such corporation formed under this Act, in addition to the general powers hereinbefore in this Act set forth, shall have power:

1. To have authority, by its officers and servants, to enter upon the lands or waters of any person or persons, which may be necessary, to make such examination and surveys for its proposed railway as shall be required to be made, in the selection of the most advantageous route, but subject at all times to responsibility for all and any damages which shall be done to the property of any such person or persons.

2. To aid in the construction, operation and maintenance and accommodation of its railway, may take and hold such voluntary grants of real estate and other property as shall be made to it, but, in all instances, the real estate received as a voluntary grant shall be held and used for the purpose of such grant only.

3. For the sole purpose of the construction, operation and maintenance of its railway, and the stations and other accommodations necessary to accomplish the object of its incorporation, it may purchase, hold and use all such real estate and other property as may be necessary.

4. To construct its road and lay out the same as hereby provided and for the purposes of cuttings and embankments to take as much more land as may be necessary or required for the proper construction and security of the road.

5. To use and exercise all other rights and powers hereby granted.

Section 108. Articles of association, in compliance with the provisions of Sections 106 and 107 of this Act as amended shall not be filed and recorded in the office of the Secretary of State until at least five hundred dollars of stock for every mile of rail-

Filing, recording, etc.

Additional powers.

Selection of route, &c

Property &c.

\$500 per mile, of proposed road to be deposited with State Treasurer.

OF CORPORATIONS.

Payment of
money by
State Treas-
urer.

way proposed to be made is subscribed thereto and paid, in good faith and in cash, to the directors named in said articles of association, nor until the directors shall have deposited the said money so subscribed and paid to them with the State Treasurer, who is constituted the custodian of the same, and shall hold the same, subject to be repaid to the directors of the said corporation, or to the treasurer thereof, in sums of five hundred dollars for each mile of said railway, upon the construction of which it shall be proved, to his satisfaction, that the said corporation has expended at least the sum of five hundred dollars, nor until there is endorsed on such articles of association, or annexed thereto, an affidavit, made by at least three of the directors named in said articles of association, that the amount of stock required by this section has been in good faith, subscribed and paid in cash as aforesaid, and that it is intended, in good faith, to construct or maintain and operate the railway mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

Subscriptions
to capital
stock.

Section 109. The directors named in said articles of association, may, when such articles of association and affidavit are filed and recorded in the office of the Secretary of State, in case the whole of the capital stock is not before subscribed, continue to receive subscriptions until the whole capital stock is subscribed; at the time of subscribing every subscriber shall pay to the directors ten per centum on the amount subscribed by him, in money, and no subscription shall be received or taken without such payment.

Directors,
number, &c.

Election of

Section 78 to
apply.
Inspectors.
Qualification
of directors.

Exhibition of
books.

Section 110. That there shall be a board of not less than five directors of every corporation formed under this Act for the purpose of constructing and operating railways, to manage its affairs. Said directors shall be chosen annually in the same manner that is provided for the choosing of directors for railroads as provided in Section 78 of this Act as amended, and the inspectors to hold the first election shall be appointed by the Board of Directors named in the articles of association; no person shall be a director unless he shall be a stockholder owning stock absolutely in his own right, and qualified to vote at the election at which he shall be chosen; at every election of directors the books and papers of such company shall be exhibited to the meeting and subject to the inspection of those present, provided a majority of the stockholders present shall require it.

OF CORPORATIONS.

Section 111. That within thirty days after the articles of Organization, association are filed in the office of the Secretary of State, the directors therein named shall organize by the election of one of Election of officers. their number president; they may also elect a treasurer and secretary and adopt such by-laws as may appear to be proper and By-laws. right for the government of the corporation.

Section 112. That the stock of every company formed un- Stock, personal estate. der this Act shall be deemed personal estate and be transferable in the manner prescribed by the by-laws of the company, but no share shall be transferable until all previous calls thereon shall Transfer of have been paid.

Section 113. Whenever any corporation created under this Act, for constructing, maintaining and operating a railway, Assessment of damages for required land, &c. cannot agree with the owner or owners of any land, sand, earth, gravel or other materials necessary to be taken and used in the construction of the said railway, for the purchase thereof, the said corporation may proceed for the condemnation thereof in the manner provided for in Section 81 of this Act as amended, Sec. 81, to apply. in relation to railroads; and when the damages ascertained therefor in the manner provided in said section shall have been paid or deposited in the proper bank as therein provided, the corporation shall become entitled to have, hold, use and enjoy the said lands and materials for the purposes by them required, forever.

Section 114. That any railway constructed under the provisions of this Act shall not exceed forty feet in width, unless Width of road. more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails, as such corporation may deem necessary, and it shall be lawful for such corporation, its agents, engineers, superintendents, or others in its employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such railway, and of locating the same, and all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railway and the location or locations of all other works, buildings, conveniences, appurtenances and appendages thereof, shall have been determined upon, and a survey of any such route or routes, location or loca- Entry on lands. Survey, &c., filed. tions deposited in the office of the Secretary of State, then it

OF CORPORATIONS.

shall be lawful for every such corporation formed under this Act, upon payment or tender of such compensation as hereinbefore provided by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a railway with a single or double track, with such side tracks, turnouts, offices, stations and depots as they may deem necessary at and between the points named in the articles of association, commencing at or within and extending to or into any town, city, or village named as the place of terminus, and from time to time, either before or after completion of the main line, construct, maintain and operate branches within the limits of any county through which said railway may pass, lay rails, and for that purpose to enter upon, take possession of, hold, have, use, occupy and excavate any lands, and erect any embankments, bridges and all other necessary works, and to do all other things which may be suitable for the completion, repairs or management of said railway, and for the conveyance of passengers and freight to and from the termini thereof by motive power other than steam; provided, always, that the payment or tender of payment of all damages for the occupancy of all lands through, under or upon which the said railway and its conveniences, appurtenances and appendages may be laid out or located be made before the said corporation, or any person under its direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railway and its conveniences, appurtenances and appendages and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained; and provided further, that the survey of the route of any branch shall not be filed in the office of the Secretary of State until the officers or directors of the corporation shall have deposited with the State Treasurer a sum equal to at least five hundred dollars for every mile, and a proportionate sum for any distance less than a mile, of such branch which it is proposed to construct, and the said Treasurer shall be custodian of such fund, and shall hold the same subject to be repaid to the directors or treasurer of such company in sums of five hundred dollars for each mile and a proportionate sum for any distance less than a mile, of such branch upon the construction of which it shall be proved to his satisfaction that such amount has been expended; and provided further, that the construction of all such branches shall be commenced within six months from the date of filing the survey thereof as

Payment for
lands, &c.

Construction
of roads.

Deposit of
\$500 per mile.

Time of com-
mencement
and comple-
tion.

OF CORPORATIONS.

aforesaid, and shall be completed and opened within two years from the date of the commencement of the construction as aforesaid.

Section 115. It shall be the duty of every railway corporation organized under this Act, to construct and keep in repair good and sufficient bridges and passages over, under or across the said railway or right of way where any public or other road, street or avenue now or hereafter laid out shall cross the same, so that public travel on the said road shall not be impeded thereby; and it is further provided, that such bridges shall be of such width and character, as shall be suitable to the locality in which the same are situated; and also where the said railway shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagonways over, under and across the said railway, and shall also construct and maintain suitable and proper cattle guards at all road crossings; provided always, that in case any such railway shall cross any street or streets, highway or highways, in any city or incorporated town, it shall be either above or below the grade of said street or streets, highway or highways, at such distance as shall not interfere with the free and uninterrupted use of such street or streets, highway or highways; provided, further, that the Council of any city or the Commissioners of any incorporated town, or other persons having authority or control over said highways and streets respectively may grant permission to said corporation to cross such street or streets, highway or highways, within the limits of the respective city or incorporated town at grade, if they shall deem it to be for the best interest of the city or incorporated town; and further provided, that in the event that such corporation shall not, within a reasonable time after notification from the Council of the city or Commissioners of the incorporated town or other persons having authority or control over said highways and streets respectively in which such bridges and passages are to be constructed or repaired, proceed to construct or repair the same as required by this Act, the said Council or Commissioners or other persons having authority or control over said highways and streets respectively, may in the corporate name of such city or town, institute proceedings in the Court of Chancery against such corporation to compel the specific performance of the duties imposed upon such corporation by this section of this Act, and in case a decree shall be made against

Bridges and passages.

Wagonways.

Cattle guards.

Crossing streets, &c.

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such corporation in said proceedings, commanding it to specifically perform said duties within such time, the Chancellor, upon proof of such neglect or refusal, may in his discretion, issue a writ of injunction to restrain said corporation from the exercise of any franchise or the transaction of any business in this State until the said corporation shall have obeyed the command of such decree and paid the costs of said proceedings; and further provided, that the said Council or Commissioners or other persons having authority or control over said highways and streets respectively, in the event of the failure of such corporation to construct or repair such bridges or passages within a reasonable time after notification as aforesaid, may, if they deem it advisable so to do, proceed themselves to construct and repair such bridges or passages, and when the costs thereof shall have been ascertained, the same may be collected of and from said corporation by said Council or Commissioners or other persons having authority or control over said highways and streets respectively, by an action at law in any court of competent jurisdiction; provided further, that the permission of the Council of any city or the Commissioners of any incorporated town or other persons having authority or control over said highways and streets respectively, hereinbefore referred to, shall not be necessary for the purpose of crossing any street or streets, highway or highways at grade, unless said street or streets, highway or highways, at the point where said railway shall cross or at some point between the crossing of said railway and the nearest terminus of said street or streets, highway or highways, shall be in actual use by and for pedestrians and teams at the time of the acquirement of the right of way of said railway across such street or streets, highway or highways.

Crossing.
streams, &c.

Section 116. That any railway corporation created under this Act, which shall have duly located the route of its railway by a survey deposited in the office of the Secretary of State, as required by Section 114 of this Act as amended, shall have power in the construction of its said railway on such route, to cross any canal, navigable stream or water course between its termini, but in such manner as not unnecessarily to impede the navigation and use thereof; and shall also have power to cross any railway or railroad intervening between such termini and acquire the necessary easement for such crossing either by agreement with the corporation owner thereof, or on failure to agree,

Crossing rail-
roads or rail-
ways.

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by condemnation proceedings in the manner prescribed by Section 81 of this Act as amended. Provided, however, that whenever practicable so to do the crossing of any railroad at grade shall be avoided, but if not practicable, the crossing may be at ^{Grade crossings to be avoided.} grade, subject to the further provision in this section contained, and in that event, it shall be the duty of the corporation whose railway track or tracks shall cross the track or tracks of the railroad company, to so construct its railway track or tracks, as that on each side of the right of way of the railroad company so crossed and at a safe and convenient distance therefrom, there shall be a disconnection in each rail of the railway tracks capable ^{Switches, &c.} of being connected by means of a switch arrangement whereby the said railway tracks may be made continuous for the passage of the cars of the railway company over the right of way and tracks of the railroad company, which shall be operated at the expense of the railway company by a competent agent thereof who shall always be on duty at said crossing for this purpose; and provided further, that no such grade crossing shall be permitted or effected until the question of the practicability of an overhead or undergrade crossing shall have been considered and determined by the Chancellor, who shall upon the petition or bill of the company, desiring to effect such crossing at grade, have full power and jurisdiction upon notice to, and answer by the company whose tracks are proposed to be so crossed to hear, and, determine the matter by an appropriate decree, either refusing or permitting the crossing at grade, and if permitted, to prescribe and regulate by such decree the manner and character of the said crossing, together with such safeguards against collisions thereat in addition to those by this section provided for as he may deem proper with the right of appeal from the Chancellor's decree to the Supreme Court by either party as in other cases in equity; and provided further, that any railway may cross any other railway either at grade, or overhead or under grade by an adequate structure, which, if under grade, shall be so located and constructed as not to disturb the road-bed so intersected, or, if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of the cars on the railway so crossed.

Section 117. That any corporation created under this Act ^{Time of commencement, and completion.} for the purpose of constructing a railway, shall commence the proposed construction within six months from the date of its or-

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ganization and complete at least, one track of said railway within two years from the date of commencement, as aforesaid; provided, that if any such company or corporation organized under this Act shall fail to comply with the provisions of this section, it shall thereby forfeit the franchises given it by this Act; provided, further, that if any such corporation organized under this Act, shall be restrained, prevented or enjoined by any proceedings whatever at law or in equity from prosecuting the work on its railway, or from opening or completing its said railway, the time during which any such corporation shall be so restrained, prevented or enjoined shall not be taken or computed as any part of the time allowed and limited in this section for the opening and completing of said railway.

- Power to borrow money.** Section 118. Any corporation organized under this Act for the construction and operation of a railway, shall have power to borrow such sums of money, from time to time, not exceeding in the aggregate double the amount of its full paid capital stock as shall be necessary to build, construct or repair its railway.
- Purposes.** and furnish all necessary cars and equipments for the use and objects of said corporation, and to secure the repayment thereof
- Security.** by the execution, negotiation and sale of any bond or bonds, secured by mortgage on said lands, privileges, franchises and appurtenances of and belonging to the said corporation; provided that said corporation shall not plead any statute or statutes against usury in any court of law or equity, in any suit instituted to enforce the payment of any bond or mortgage executed under the provisions of this section; and provided further, that said
- Lien.** bonds and mortgages shall constitute a first lien on the railway, its cars, real estate and franchises, and the proceeds of said bonds shall be used for the purpose of aiding in the construction and operation of said railway; and provided further, that if any person or persons, shall issue such bonds to any greater amount than double the amount at the time of such issue that shall have been actually paid up on the capital stock of such railway, he, she or they, shall be guilty of a misdemeanor and shall be punished by a fine of not less than two thousand dollars, or by imprisonment for not more than three years or by both, at the discretion of the court.
- Limit of Amount of bonds.**
- Sec. 87 to apply.** Section 119. The provisions of Section 87 of this Act, as amended, shall be applicable to all railways that may be located and constructed under this Act elsewhere than on turnpikes,

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highways or public roads.

Section 120. Any person who wilfully or maliciously ob-^{Injuring prop-}
structs any railway company in the legal use of its tracks, or ^{erty of road.}
delays the passing of the cars or railway carriages thereon or aids
or abets such detention or delay, shall be punished by a fine ^{Penalty.}
not exceeding fifty dollars, to be by it recovered in any court
having competent jurisdiction in an action of debt; and further
shall be liable for all damages sustained.

Section 121. Every railway corporation formed under this ^{Signal boards.}
Act shall cause signal boards, well supported by posts, or other-
wise, at such heights as to be easily seen by travelers, and not
obstructing travel, containing on each side in capital letters, at
least five inches high, the following inscription: "RAILWAY
CROSSING," to be placed and constantly maintained, at such
public highway where it is crossed by the railway at the same
level; but such boards need not be put up in the cities or towns,
unless required by the authorities thereof.

Any corporation failing to comply with or violating or per-
mitting any of its employees or agents to violate any of the pro-
visions of this section, shall in addition to subjecting itself to any
damages that may be caused by such failure or violation, be
guilty of a misdemeanor and upon conviction thereof, be fined
for each failure or violation, not less than one hundred dollars
nor more than five hundred dollars.

Section 122. It shall be the duty of every railway corpora-^{Annual re-}
tion created under the provision of this Act, to make an annual ^{port to stock-}
report to the stockholders of its operations during the year, ^{holders.}
which report shall be verified by the affidavit of the secretary
and treasurer and shall state:

The entire length of the railway in operation, the length of
single track and the length of double track;

The full amount of the capital stock actually subscribed
and the full amount paid thereon;

The entire amount of the actual cost of the railway, show-
ing the amount expended for the right of the way, bridging,
grading, iron and building respectively, and for all other pur-
poses incidental to the construction of such railway;

The nature and amount of its indebtedness, distinguishing

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the first, second and third mortgage bonds, and the unsecured indebtedness and the amount due the corporation;

The amount received from all sources whatever and the full amount expended for all purposes;

The entire amount paid for loss and damage to freight and injury to person and property ;

The full number and amount of dividends and when made and in what manner such dividends have been paid;

The entire amount appropriated to sinking fund and the manner in which the same has been applied, and the total amount then held by such sinking fund; the secretary of each railway corporation, formed as aforesaid, shall mail to every stockholder thereof, whose postoffice address is known, a copy of said annual report and shall file a certified copy thereof with the Secretary of State on or before the expiration of fifteen days.

Filing copy.

Consolidation
of connecting
railway com-
panies.

Section 123. In shall be lawful for any railway company of this State, whether created by prior special Act, or under this Act, to consolidate with any other railway incorporated under the laws of this State or any other State, or of the United States, whose railway within or without this State shall connect, or form a continuous line, with the railway of the company so consolidated. Such consolidation shall be made in the manner and by the proceeding in this Act prescribed; and the corporation created thereby shall be possessed of, exercise and enjoy all the rights, powers and privileges which this Act confers upon consolidated companies; and it shall likewise be possessed of, exercise and enjoy all the franchises, rights, powers, privileges, immunities and benefits which any corporation of this State constituent thereof was possessed of or entitled to exercise under its charter or any law of this State; and shall be subject, within this State, to the conditions and restrictions imposed by its charter, or any corporation of this State, constituent thereof.

Manner of

Powers.

Fees to State

Section 124. Every railway corporation organized under this Act shall be required, upon filing its certificate, to pay to the Secretary of State the fees hereinafter provided for; and also pay such tax or taxes as are or may be imposed by law or by any authority having jurisdiction.

Other taxes.

Streets not to
be used where
other track
is laid and
road in opera-
in.

Section 125. That no railway shall be authorized or empowered hereunder nor shall any consent or authorization of any board of officials, city, county or hundred, be held to authorize

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any railway to be constructed, maintained or operated upon any street upon which any track is laid and the road is in operation at the time when such authority or consent is asked for.

Section 126. That it shall be lawful for every railroad or railway corporation organized under the provisions of this Act or existing under the laws of this State and they are hereby authorized and empowered to erect, establish and maintain a line or lines of telegraph or telephone for their own use, along and upon the lands and right of way of such railroad or railway corporations.

Railroads and railways may erect telegraph and telephone lines.

Section 127. Whenever the words "DIRECTORS" and "MANAGERS" appear in any of the provisions of this Act, they shall be construed to be synonymous terms; and whenever the word "RAILROAD" occurs it shall be construed to be a road, the engines, cars, carriages and coaches on which are propelled by steam power; and whenever the word "RAILWAY" occurs, it shall be construed to be a road, the cars, carriages and coaches on which are propelled by electricity, by cable, motor or by any improved motive power, other than steam.

Certain words defined.

Section 128. That a copy of any articles of association for the construction of railways filed and recorded in pursuance to the provisions of this Act, or of the record thereof, with a copy of the affidavit aforesaid, endorsed thereon or annexed thereto, and duly certified to be a copy by the Secretary of State, shall be presumptive evidence of the incorporation of such corporation and of the facts therein stated.

Copies, &c., evidence.

Section 129. On filing any certificate or other paper, relating to corporations, in the office of the Secretary of State, the following fees and taxes shall be paid to the Secretary of State, for the use of the State: for certificate of incorporation fifteen cents for each thousand dollars of the total amount of capital stock authorized, but in no case less than twenty dollars, and when any certificate of increase of the capital stock shall be filed as required by this Act, the Secretary of State shall demand and receive for the use of the State, fifteen cents on each thousand dollars of such increase; and when two or more corporations shall consolidate or merge, he shall demand and receive for the use of the State fifteen cents on each one thousand dollars of capital stock authorized beyond the total authorized

State fees.

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capital of the corporations consolidated or merged, but in no case less than twenty dollars.

Upon receiving and filing a certificate of dissolution, change of name, amended certificates of organization, increase or decrease of capital stock, increase or decrease of the number of shares, he shall demand and receive twenty dollars, and if the capital stock of the corporation is increased by any such amended certificate, he shall receive an additional sum of fifteen cents for each one thousand dollars of increase. All other certificates
Exemptions. five dollars. Provided that in case of corporations solely for religious or charitable purposes the tax shall not be charged or collected.

Fees of Secretary of State.

The fees of the Secretary of State under this Act shall be as follows:

For certified copies, the same as is now provided by law for the Secretary of State for certificates and copying; for receiving, filing and indexing certificates, statements, affidavits, decrees, agreements, surveys, reports and any other papers provided for by this Act two dollars in each case; for recording and indexing certificates, articles of association and other papers required by this Act to be recorded by the Secretary of State the same fees as are now provided by law for the recording of deeds.

Situs of ownership of capital stock, but not for the purpose of taxation.

Section 130. For all purposes of title, action, attachment, garnishment and jurisdiction of all courts held in this State, but not for the purpose of taxation, the situs of the ownership of the capital stock of all corporations existing under the laws of this State whether organized under this Act or otherwise, shall be regarded as in this State.

Renewal of existing corporations.

Section 131. Any corporation, existing under the laws of this State, may, at any time before the expiration of the time limited for its existence, procure a renewal of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing debts, duties and liabilities, secured or imposed by its then existing charter, by filing a certificate of its President and Secretary, duly sworn or affirmed to by such officer before any person authorized by the laws of this State to administer oaths or affirmations, with the Secretary of State: which certificate shall set forth:

Certificate, filing, &c.

Contents of certificate.

1. The name of the corporation, which shall be the existing

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name of said corporation at the time of such renewal:

2. The name of the city, town or place within the county in which its principal office or place of business is located in this State:

3. The date when such renewal is to commence, which date shall be prior to the date of the expiration of the charter desired to be renewed, whether or not such renewal is to be perpetual, and, if not perpetual, the time for which such renewals is to continue:

4. That the corporation desiring to renew and so renewing its charter is duly organized and carrying on the business authorized by its existing charter.

Section 132. Such certificate for the renewal and continuance of the existence of any such corporation shall be filed in the office of the Secretary of State, who shall furnish a certified copy of the same under his hand and seal of office; said certified copy shall be recorded in the office of the Recorder of the county in which the principal office of said corporation is located in this State, in a book kept for the purpose; and said certificate or a certified copy thereof duly certified under the hand of the Secretary of State and his seal of office accompanied with the certificate of the Recorder of the county wherein the same is recorded under his hand and seal of his office, stating that it has been recorded, the record of the same in the office of the Recorder aforesaid, or a copy of said record duly certified by the Recorder aforesaid, or the record of such certified copy recorded in the Recorder's office aforesaid, shall be evidence in all courts of law and equity of this State. When filed, recorded, &c.
Evidence.

Section 133. Upon the renewal of the existence of any corporation it shall pay to the Secretary of State, for the use of the State, a tax of twenty dollars before the delivery of a certified copy of its certificate of renewal by him to it. State fees.

Section 134. Any corporation, desiring to renew, extend and continue its corporate existence, shall upon complying with the provisions of Sections 131, 132 and 133 of this Act as amended, and with the provisions of Section 2 of Article 9 of the Constitution of this State, be and continue for the time stated, in its certificate of renewal a corporation and shall, in addition to the rights, privileges and immunities conferred by its original charter. Provisions of this act to apply.

OF CORPORATIONS.

possess and enjoy all the benefits of this Act, which are applicable to the nature of its business, and shall be subject to the restrictions and liabilities by this Act imposed on such corporations.

Power of corporations of this State however created to hold or dispose of stock, bonds, &c., of other companies.

Section 135. Any corporation organized under the laws of this State, whether created by this Act, special Act of the Legislature, or general law, may guarantee, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of, the shares of the capital stock of, or any bonds, securities or evidence of indebtedness created by any other corporation or corporations of this State, or any other State, country, nation or government, and while owner of said stock may exercise all the rights, powers and privileges of ownership including the right to vote thereon.

Corporations may not plead usury in suits for payment of bonds in sued.

Section 136. No corporation or corporations issuing bonds under the provisions of this Act, shall plead any statute or statutes against usury in any court of law or equity in any suit instituted to enforce the payment of such bonds or mortgages.

Board of directors may change location of principal office.

Section 137. The board of directors of any corporation, organized under the laws of this State, may change the location of the principal office of such corporation within this State to any other place within this State by resolution adopted at a regular or special meeting of such board.

Method of procedure.

Upon the adoption of a resolution as aforesaid, a copy thereof shall be filed in the office of the Secretary of State, signed by the President and Secretary of such corporation, and sealed with its corporate seal; and a certified copy recorded in the office of the Recorder in and for the county to which said principal office is removed; for filing the said certificate, the Secretary of State shall charge a fee of five dollars, provided, that no certificate shall be required to be filed or recorded of the removal of any office from one point to another in the same town, city or county in this State.

Waiver of notice.

Section 138. Whenever any notice whatever is required to be given under the provisions of this Act, a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

Section 139. All laws or parts of laws inconsistent with the

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provisions of this Act, are hereby repealed; provided, however, that all rights, privileges and immunities vested or accrued by and under prior laws, all suits pending, all rights of action conferred, and all duties, restrictions, liabilities and penalties imposed or required by and under laws prior hereto shall not be impaired, diminished or affected hereby.

Section 140. This Act may be amended or repealed, at the pleasure of the Legislature, but such amendment or repeal shall not take away or impair any remedy against any corporation created under this Act, or its officers, for any liability which shall have been previously incurred; this Act and all amendments thereof shall be a part of the charter of every such corporation except so far as the same are inapplicable and inappropriate to the objects of such corporation.

Approved March 7, A. D. 1901.

OF BANKS.

CHAPTER 168.

OF BANKS.

AN ACT TO RENEW THE ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK, AND THE ACTS SUPPLEMENTARY THERETO, AND TO AMEND THE SAME.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein) :

Renewing
articles of In-
corporation of
Artisans' Sa-
vings Bank.

Section 1. That the Act entitled "An Act to Incorporate the Artisans' Savings Bank," passed at Dover, on the 28th day of February, A. D. 1861, as amended by the Acts passed at Dover, respectively, on the 31st day of January, A. D. 1865; on the 29th day of March, A. D. 1871; on the 11th day of February, A. D. 1875; and Sections 2 and 3 of the Act passed on the 15th day of February, A. D. 1881, and the Act passed on the 27th day of April, A. D. 1891, and also the said amendatory Acts be and the same are hereby renewed, re-enacted, extended and declared to be in full force and effect for and during the term or period of twenty years, except as hereinafter amended.

Section 2. That every part of the original Charter of the Artisans' Savings Bank now in force, as well as all and every provision of all and every act of the General Assembly of this State as is now in force, whereby any right, power, franchise, privilege or immunity is granted to or vested in the said Artisans' Savings Bank, be and the same is hereby extended and continued in force for the space of twenty years from and after passage of this Act, and that the said Artisans' Savings Bank shall have, hold and enjoy and possess all and every the franchise, powers, rights, privileges and immunities which are now invested in said corporation by any law of this State for the period of twenty years from and after the passage of this Act.

Section 3. That this Act shall be deemed and taken to be a public act, and the power to alter or revoke the same is hereby

OF THE CITY OF WILMINGTON.

reserved to the Legislature.

Approved February 12, A. D. 1901.

CHAPTER 169.

OF THE BOARD OF PUBLIC EDUCATION.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO THE CITY OF WILMINGTON,' " BEING CHAPTER 210, VOLUME 19, LAWS OF DELAWARE, IN RELATION TO THE ELECTION AND TERMS OF OFFICE OF THE MEMBERS OF THE BOARD OF PUBLIC EDUCATION IN WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring herein) :

Section 1. That the last paragraph of Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to Revise and Consolidate the Statutes Relating to the City of Wilmington,' " being Chapter 210, Volume 19, Laws of Delaware, be and the same is hereby repealed and that the following words be substituted in lieu thereof, to wit:

"The terms of office of those members of said Board which would expire on the second Saturday in June, nineteen hundred and one, shall be and they are hereby extended to the last day of June of said year, and, at the election to be held on the second Saturday in June of said year, and every fourth year thereafter, one member of said board from each ward in said city shall be elected for a term of four years, to succeed those whose terms expire in those years, and the terms of said members shall begin on the first Monday in July, succeeding their election.

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The terms of office of these members of said board which would expire on the second Saturday in June, nineteen hundred and three, shall be and the same are hereby extended to the last day of June, nineteen hundred and three, and at the election to be held on the second Saturday in June, of that year, and every fourth year thereafter, one member of said board from each ward in said city shall be elected for a term of four years to succeed those whose terms expire in those years, and the terms of said members shall begin on the first Monday of July succeeding their election. If any member shall remove from the ward in which he was elected it shall vacate his office. All vacancies shall be filled by the board for the unexpired term of the member whose place is to be filled.

No person or persons shall be voted for, elected to, seated in, or be a member of said board unless he, she or they shall file his, her or their name or names in writing at least ten days before the election, with the secretary of said board."

Approved March 8, A. D. 1901.

OF THE CITY OF WILMINGTON.

CHAPTER 170.

OF THE BOARD OF PUBLIC EDUCATION.

AN ACT AUTHORIZING AND EMPOWERING "THE BOARD OF PUBLIC EDUCATION IN WILMINGTON" TO ISSUE CERTIFICATES OF INDEBTEDNESS FOR A SUM NOT EXCEEDING ONE HUNDRED AND FIFTY THOUSAND DOLLARS FOR THE PAYMENT OF THE NEW HIGH SCHOOL AND THE BUILDINGS CONNECTED THEREWITH; AND THE PROPER FURNISHING AND EQUIPMENT OF THE SAME.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring herein):

Section 1. That "The Board of Public Education in Wilmington" be and it is hereby authorized and empowered to issue certificates of indebtedness to an amount not exceeding the sum of one hundred and fifty thousand dollars, for the purpose of paying the amounts now due or hereafter to become due, for or on account of the erection and completion of the new High School building and the buildings connected therewith and furnishing the same with the necessary furniture, apparatus and appliances.

Board of Public Education authorized to borrow \$150,000 for new High School building.

Section 2. The said certificates of indebtedness shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually from the day of the date thereof, and shall each be issued for the sum of one thousand dollars, and numbered from 1 to 150 inclusive.

Certificates of indebtedness.

Fifteen of said certificates shall be paid off each and every year, in the order in which they are numbered, until all the said certificates are paid, out of the annual amount of money which the said board is authorized to expend yearly for new buildings.

How and when paid.

All the said certificates shall be signed by the President of the said Board and attested by the Secretary of the said Board, and have affixed thereto the common or corporate seal of the said "Board of Public Education in Wilmington."

How signed.

Approved March 8, A. D. 1901.

OF THE CITY OF WILMINGTON.

CHAPTER 171.

OF THE CITY OF WILMINGTON.

A FURTHER SUPPLEMENT TO AN ACT ENTITLED "AN ACT TO PROVIDE FOR PUBLIC PARKS FOR THE USE OF THE CITY OF WILMINGTON AND ITS VICINITY," PASSED MARCH 13TH, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch herein concurring):

Mayor and Council may borrow money to improve parks.

Section 1. That the Mayor and Council of Wilmington, upon recommendation of the Board of Park Commissioners, are hereby authorized to borrow a sum or sums not exceeding in the aggregate of fifty thousand dollars to be applied and expended under the charge of the Board of Park Commissioners of the said city for the purpose of improving the Parks, and a sum or sums not exceeding in the aggregate thirty thousand dollars for the purchase or acquisition, in the manner authorized in the Act to which this is a supplement, of lands to be used as additions to said Parks.

Amount of.

Bonds, how issued.

Section 2. That the Bonds of the City of Wilmington authorized to be issued under the provisions of this Act, shall be issued, and payment made in the manner provided by an "Act passed at Dover, February 9th, 1855, entitled 'An Act to provide a sinking fund for the payment of the city debt of Wilmington,'" and the various amendments and supplements thereto.

Approved March 21, A. D. 1901.

OF THE CITY OF WILMINGTON.

CHAPTER 172.

OF THE CITY OF WILMINGTON.

AN ACT TO AUTHORIZE "THE MAYOR AND COUNCIL OF WILMINGTON"
TO BORROW A CERTAIN SUM OF MONEY FOR THE ELIMINATION OF
GRADE CROSSINGS OF RAILROADS AND FOR THE IMPROVEMENT
OF STREETS AND AVENUES AND CONSTRUCTION OF SEWERS IN THE
CITY OF WILMINGTON, DELAWARE.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met, (two-thirds of each branch of
the Legislature concurring herein):*

Section 1. That "The Mayor and Council of Wilmington" shall have power and authority, and they are hereby directed to borrow the sum of fifty thousand dollars and to issue bonds of the said city for the payment thereof with interest, said payment to be made at such times and in such manner as the said Council of the said City of Wilmington shall by ordinance prescribe and appoint, and the said sum of fifty thousand dollars shall, in the discretion of the Board of Directors of the Street and Sewer Department of the said City of Wilmington, be appropriated, applied and expended by the said board for the following public improvements, that is to say, for the abolition of grade crossings of railroads within the limits of the City of Wilmington, and for the opening, widening, paving and improving of streets, avenues, lanes or alleys and for the extension of the authorized sewer system provided for and in said City of Wilmington.

Mayor and Council to borrow \$50,000 for abolition of grade crossings.

Section 2. That any and all moneys so borrowed under the authority of this Act shall be borrowed by the said "The Mayor and Council of Wilmington" at such times and in such amounts as the Board of Directors of the Street and Sewer Department of the said City of Wilmington may decide and direct. Provided, however, that in no event shall the amount to be borrowed under the provisions of this Act exceed the sum of twenty-five thousand dollars in any one calendar year and the same shall be applied and expended through and by the said Board of Directors of the Street and Sewer Department of the said City of Wil-

Methods of

OF THE CITY OF WILMINGTON.

mington, which shall have the supervision, management, direction and control over the said work and the expenditure of money necessary with respect thereto. All moneys borrowed as aforesaid for the purposes hereinbefore mentioned shall be placed on deposit by the said Board of Directors of the Street and Sewer Department of the said City of Wilmington, and no warrant or order for the payment of money shall be drawn against such funds except such order, or warrant is for payment for work done upon and about the improvement provided for this Act, provided, however, that it shall be discretionary with the Board of Directors of the Street and Sewer Department as to which improvement or improvements any or all of such money or moneys shall be applied.

Issue and payment of.

Section 3. That the bonds of the City of Wilmington, authorized to be issued under the provisions of this Act, shall be issued and payment made in the manner provided for in the Act passed at Dover, February 9, 1855, entitled "An Act to Provide a Sinking Fund for the City of Wilmington," and the various amendments and supplements thereto.

Section 4. That all acts or parts of acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved March 14, A. D. 1901.

OF THE CITY OF WILMINGTON.

CHAPTER 173.

OF THE CITY OF WILMINGTON.

AN ACT TO AUTHORIZE THE MAYOR AND COUNCIL OF WILMINGTON TO BORROW THE SUM OF FIFTY THOUSAND DOLLARS, AND TO ISSUE SINKING FUND BONDS IN PAYMENT THEREOF.

Whereas, in the estimates of the receipts made by the Council, in the month of May, A. D. 1900, when the tax rate was fixed for the fiscal year beginning July 1st, A. D. 1900, it was confidently expected that a considerable sum would be forthcoming from the taxes on investments, and from taxes upon the property of the railroads and the railways within the city, and

Whereas, the receipts anticipated from these sources have wholly failed by reason of the suits now pending in the Superior Court not having been heard and decided, through causes entirely beyond the control of the Council, whereby the financial affairs of the city may be seriously affected during the present fiscal year, against which it seems reasonable and proper for the Council to provide, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring herein):

Section 1. That the Mayor and Council of Wilmington shall have power and authority, and they are hereby directed to borrow the sum of fifty thousand dollars (\$50,000) and to issue bonds of said city for the payment thereof with interest, said payments to be made at such times and in such manner as the Council of the said City of Wilmington shall by ordinance prescribe and appoint, and of the said sum of fifty thousand dollars the sum of fifteen hundred and fifty dollars shall be appropriated, applied and expended by said Council in paying off and liquidating a certain bond and mortgage of said amount held by Elizabeth S. Taylor against the premises, in said City of Wilmington, known as Public School No. 9, and the remaining sum, or whatever amount

Mayor and Council may borrow \$50,000 for inadequate receipts from taxes.

OF THE CITY OF WILMINGTON.

may be necessary shall be applied and expended by the Council to the liquidation of the present floating indebtedness of the city.

Bonds, how
issued and
paid.

Section 2. That the bonds of the City of Wilmington authorized to be issued under the provisions of this Act shall be issued and payment made in the manner provided for in the Act passed at Dover, February 9, 1855, entitled "An Act to Provide Sinking Fund for the City of Wilmington," and the various amendments and supplements thereto. The aggregate amount of the bonds of the said Mayor and Council of Wilmington outstanding and unpaid at the time of the passage of this Act, together with the amount of the bonds hereby authorized to be issued, shall be deemed and taken to be the authorized limit of the indebtedness of said corporation, and the faith and credit of said corporation shall be and are hereby pledged for the redemption and payment of said bonds as the same shall fall due and become payable.

Section 3. That all acts or parts of acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved March 9, A. D. 1901.

OF THE CITY OF WILMINGTON.

CHAPTER 174.

OF THE CITY OF WILMINGTON.

AN ACT TO PROVIDE FREE AMBULANCE SERVICE FOR THE CITY OF WILMINGTON.

Whereas, there is no provision made by the laws of this State for the maintenance of a free ambulance service for the City of Wilmington, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein):

Section 1. That the Mayor and Council of Wilmington be and it is hereby directed, in addition to the amounts now appropriated, to pay annually to Phoenix Fire Company the sum of fifteen hundred dollars for the support and maintenance of a free ambulance service for the City of Wilmington; said sum of fifteen hundred dollars to be appropriated and paid by the said the Mayor and Council of Wilmington in the same manner and at the same times as are now provided for the appropriation and payment of money to the Fire Companies of the City of Wilmington.

Mayor and Council to appropriate \$1,500 to Phoenix Fire Company.

Section 2. The said the Mayor and Council of Wilmington shall at all times have the right to provide such rules and regulations for the use of said ambulance as may to it from time to time seems necessary or desirable.

Section 3. Should the said service be discontinued at any time by said Phoenix Fire Company the payments herein provided are to cease and determine.

Approved January 23, A. D. 1901.

OF THE CITY OF WILMINGTON.

CHAPTER 175.

OF THE CITY OF WILMINGTON.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO FURTHER AMEND THE CHARTER OF THE CITY OF WILMINGTON" AND PROVIDING FOR A DEPUTY CITY JUDGE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch therein concurring):

Creation of
Deputy City
Judge.

Section 1. That Section 3 of an Act entitled "An Act to further amend the Charter of the City of Wilmington," passed at Dover, April 17th, eighteen hundred and eighty-five, being Chapter 606, Volume 17, Laws of Delaware; be and the same is further amended by striking out the words "in case of sickness, absence, interest in the cause of proceeding, or other inability of the City Judge, the Associate Judge of the Superior Court, resident in New Castle County, may either perform the duties of said City Judge, or designate in writing some suitable person to discharge such duties," and inserting in lieu thereof the words: "That the City Judge of the Municipal Court shall have an assistant, who shall be known as the Deputy City Judge, who shall receive such compensation as the City Council may hereafter provide for. The duties of the said Deputy City Judge shall be to hold and keep the Municipal Court when requested by the City Judge to do so, and in general to assist the City Judge in all legal matters pertaining to his duty.

The Associate Judge of the Superior Court, resident in New Castle County, shall on or before the first day of March, A. D. one thousand nine hundred and one, and every four years thereafter, appoint some suitable person to be Deputy City Judge."

Approved March 1, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 176.

OF CITIES AND TOWNS.

AN ACT TO REPEAL A PART OF SECTION 1 OF THE ACT ENTITLED AN ACT TO AMEND AND SUPPLEMENT SECTION 26 OF CHAPTER 152, VOLUME 15 OF THE LAWS OF DELAWARE, ENTITLED OF THE CITY OF NEW CASTLE, PASSED AT DOVER, MARCH 17TH, 1893, RELATING TO THE ROAD AND STREET TAX OF SAID CITY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein):

Section 1. That the closing lines of Section 1 of the Act entitled "An Act to amend and supplement Section 26 of Chapter 152, Volume 15 of the Laws of Delaware, entitled 'of the City of New Castle,'" passed at Dover, March 17th, 1893, being Chapter 156, Volume 19, Laws of Delaware, and reading as follows, to wit: "And the Council of New Castle shall annually, on or before the first day of November in each year, pay or cause to be paid to the Road Commissioners of New Castle Hundred the sum of six hundred dollars, which shall be applied by the said Commissioners in the same manner as other taxes collected by them," be and the same is hereby repealed, and made null and void.

Repeal of provision to pay money to Road Commissioners of New Castle Hundred.

Section 2. This shall be a public Act.

Approved April 1, A. D. 1901.

OF THE CITIES AND TOWNS.

CHAPTER 177.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 754, VOLUME 19, LAWS OF DELAWARE, ENTITLED "AN ACT BEING A SUPPLEMENT TO CHAPTER 36, VOLUME 12, LAWS OF DELAWARE, ENTITLED 'AN ACT TO INCORPORATE THE TOWN OF MIDDLETOWN'" BY EXTENDING THE TIME WITHIN WHICH ABATEMENT OF TAXES WILL BE MADE.

Extension of
time for abate-
ment of taxes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 754 of Volume 19, Laws of Delaware, be and the same is hereby amended by striking out the word "July" in the second line of Section 3 thereof and inserting in lieu thereof the word "October."

Approved February 25, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 178.

OF CITIES AND TOWNS.

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF THE TOWN OF DOVER
TO PASS ORDINANCES PREVENTING THE ERECTION OF WOODEN
BUILDINGS ON LOCKERMAN STREET IN SAID TOWN.

*Be it enacted by the Senate and House of Representatives of the State of
Delaware in General Assembly met, (two-thirds of all the members
elected to each branch concurring therein):*

Section 1. The Town Council of the Town of Dover is here-
by authorized and empowered to pass ordinances providing that
wooden or frame buildings shall not be erected on any lot on
either side of Lockerman Street in said Town, and may provide
by said ordinances that all buildings that may be hereafter erected
on said street shall be built of bricks.

Wooden build-
ings prohib-
ited on Lock-
erman Street,
town of Dover.

Approved February 22, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 179.

OF CITIES AND TOWNS.

AN ACT TO AUTHORIZE THE TOWN OF DOVER TO BORROW FOUR THOUSAND DOLLARS TO PAY BALANCE DUE FOR ESTABLISHING AN ELECTRIC LIGHT PLANT IN SAID TOWN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each branch of the Legislature concurring therein) :

Town Council
authorized to
borrow \$4,000.

Section 1. That the Town Council of the Town of Dover is hereby authorized and empowered to borrow on the credit of said town, the sum of four thousand dollars to be used to complete paying for the Electric Light Plant in said town.

Bonds.

Section 2. That the Town Council of said town for the purpose set forth in Section 1 in this Act shall have full power and authority to issue bonds of the Town of Dover denominating "Dover Electric Light and Water Bonds" to an amount not exceeding the said sum of four thousand dollars.

Denomination
of.

Section 3. The denomination of said bonds shall be the sum of one thousand dollars each, and shall be numbered twenty-three, twenty-four, twenty-five and twenty-six, and shall bear interest at the rate of four per centum per annum, payable on the first day of January and July in each and every year at the Farmers' Bank of the State of Delaware at Dover, on the presentation of the coupons attached to such bonds representing the said semi-annual interest.

Interest.
Payable.

Date.

Section 4. The said bonds shall bear date the first day of July, A. D. 1899, and the principal thereof shall be payable at the Farmers' Bank of the State of Delaware at Dover, at the expiration of ten years from said date, but the said bonds may be redeemed at the option of the Town Council of said town after the expiration of five years from the date of the same. Provided, however, if the Town Council of the Town of Dover shall at any time after the expiration of five years from the date of said bonds,

OF CITIES AND TOWNS.

elect to redeem any of such bonds such redemption shall be made on the first day of January and July, and in pursuance of notice signed by the President of the Town Council of the Town of Dover, and by the Treasurer of the said Town of Dover, published for the space of thirty days in one newspaper published in the City of Wilmington in this State, one newspaper published in the Town of Dover in this State, and one newspaper published in Georgetown in this State. Such notice shall indicate the bonds called, and in making such calls the Town Council shall call the bonds according to their number, beginning with the lowest number, and the interest on any of the said Dover Electric Light and Water Bonds shall cease from the date named in any of said calls for redemption.

Section 5. That the Town Council of the Town of Dover shall direct and effect the preparation and printing and sale of said bonds authorized by this Act at such time or times and on such terms as they may deem expedient, but that all the money the proceeds of such sale shall be applied to carry into effect the provisions of this Act.

Section 6. That the form of said bonds with the coupons thereto attached shall be prescribed by the Town Council of the Town of Dover, and the said bonds shall be signed by the President of the Town Council of the Town of Dover and by the Treasurer of the said Town, and sealed with the corporate seal of said corporation and shall be exempt from State, County and Municipal taxation. As the said bonds and the coupons thereto attached shall be paid, the same shall be cancelled as the said Town Council shall direct. Forms of bonds.

Section 7. That any revenues of the Town of Dover arising from either the water plant or electric light plant in said town not heretofore pledged for the payment of either interest or principal of any other bonds issued by said town, and not needed for keeping in repair and operating said plants, shall be applicable to the payment of principal and interest of the bonds herein authorized as the same shall be and become due and payable. Unpledged revenues in payment thereof.

Section 8. That the Town Council of said Town of Dover are authorized and required to levy upon all assessable real estate in the Town of Dover a special tax sufficient to pay all the interest accruing on said bonds, that the revenues of said town may be insufficient to pay, and the said Town Council are hereby Levy of special tax.

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authorized and empowered to levy a further special tax upon all the real estate in said town for the purpose of establishing a sinking fund adequate to the redemption of said bonds, at or before the maturity of all the bonds which may be issued under the provisions of this Act.

Section 9. The faith of the Town of Dover is hereby pledged for the payment of all the bonds that may be issued under the provisions of this Act.

Approved February 21, A. D. 1901.

CHAPTER 180.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 480 OF VOLUME 13, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HARRINGTON," BY INCREASING THE AMOUNT TO BE RAISED BY TAXATION, AND TO PROVIDE FOR TAXING VACANT LOTS IN SAID TOWN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

Annual town
taxes of Har-
rington in-
creased to
\$1,000.

Section 1. That Chapter 480 of Volume 13, Laws of Delaware, as amended by Chapter 203 of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out the words "seven hundred" in the fourth line of the seventh section of said act and inserting in lieu thereof the words "one thousand."

Also further amend said act by striking out all of Section 17 thereof after the word "enacted," and inserting in lieu thereof the following:

OF CITIES AND TOWNS,

"That the Commissioners shall have no power to tax any unimproved lots in said town of over six acres."

Approved March 18, A. D. 1901.

CHAPTER 181.

OF CITIES AND TOWNS.

A SUPPLEMENT TO CHAPTER 283 OF VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF LITTLE CREEK," PROVIDING FOR THE ELECTION AND TERMS OF COMMISSIONERS OF SAID TOWN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after this Act becomes a law and at the election in March, 1901, the successors of the present Commissioners for the said town of Little Creek, shall be elected for the following terms, viz.:

Two of said Commissioners shall be elected for a term of one year, and three of said Commissioners shall be elected for a term of two years and annually thereafter the successors of said Commissioners shall be elected for the term of two years.

Approved March 2. A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 182.

OF CITIES AND TOWNS.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF MILFORD," AND THE SEVERAL AMENDATORY ACTS THERETO.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House of the General Assembly):

Section 1. That the Act entitled "An Act to re-incorporate the town of Milford" being Chapter 161 of Volume 18 of the Laws of Delaware, as the same has been amended, be and the same is hereby amended further as follows, namely:

Amendments
providing for
election of Secretary
outside
of Board.

1st. By striking out the words "from their number" in the ninth line of Section 6 of said Act between the words "Secretary" and "who" in said ninth line; and by further striking out the words "out of their own number" in the fourteenth line (of) said Section 6, between the words "vacancy" and "as" in said fourteenth line.

2d. By adding at the end of Section 10 of said Act the following:

Council to direct owners of property to connect with water main, &c., on Walnut Street.

"And the said Council, or a majority of them, shall also have the power, and they are hereby authorized to order and direct the owners of any real property in said town lying and being on Walnut Street between Second Street North and Second Street South in said town, to tap the sewer main and the water main on said Walnut Street, and to connect said sewer main and said water main by pipes with the property so lying and being on said Walnut Street as aforesaid; and upon failure of the owner or owners of any such property to tap and connect with said sewer and water mains as aforesaid for the space of thirty days after notification so to do, the said Council may, and they are hereby authorized to cause said mains to be tapped and connections made and to recover the costs of same as hereinbefore provided

Failure.

Penalty.

OF CITIES AND TOWNS.

in the case of curbing and paving. The provisions in regard to notices shall be as prescribed in the case of curbing and paving."

3d. By adding at the end of Section 11 of said Act the following:

"And may provide by ordinance against the erection or re-
building on Walnut Street between Second Street North and Ordinance for prevention of erection of frame buildings on Walnut Street.
Second Street South in said town, of any building, house or structure, excepting the same be a brick, stone or iron building, house or structure."

4th. By striking out the word "four" in the sixteenth line Increase of limit of indebtedness.
of Section 17, between the words "of" and "thousand" in said sixteenth line, and by inserting in lieu thereof the word "eight."

5th. By striking out all of Section 20 of said Act, and by inserting in lieu thereof the following:

"Section 20. That the Assessor elected by virtue of this Act, Compensation of Assessor and Secretary to be fixed by Council.
and the Secretary of the Town Council, shall receive such compensation for their services as the said Council shall determine."

6th. By adding at the end of Section 25 of said Act the following:

"And upon the failure of any taxable to pay the tax assessed Penalty for non-payment of taxes.
as hereinbefore provided on or before the first day of October in the year in which said tax is assessed, then said Town Council may, and it is hereby authorized to add a penalty of five per centum to the tax so assessed and unpaid as aforesaid."

Approved March 7, A. D. 1901.

CHAPTER 183.

AN ACT TO INCORPORATE THE TOWN OF GREENWOOD.

Limits.

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OF CITIES AND TOWNS.

with fidelity, and in the certificate annexed to the aforesaid plot, it shall be shown that this qualification was complied with.

Section 2. The Commissioners named in this Act shall ^{Organization.} meet and organize within one week after the passage of this Act, at such hour and place by them agreed on; said Commissioners from among their number shall select a president and such other officers as they deem necessary; their term of office shall be one year or until their successors shall have been duly elected. A majority of the town Council shall be freeholders. Any Council-^{Qualification.} man whose time has expired is eligible to re-election. The election shall be opened at 2 o'clock P. M. and closed at 4 o'clock P. M., and is to be held in the Council chamber, or some other suitable place designated by Council. At such election, every male and female taxable of said town above the age of 21 years, ^{Voters.} who shall have paid the town tax last assessed to them, shall be entitled to vote; the election shall be held by the Aldermen and ^{Election how held.} two of the holding over members of the Council, to be named by the president at the previous stated meeting; the Alderman shall receive the ballots and deposit them in a box to be provided for that purpose, and the assisting Councilmen shall each keep a list of the voters voting. When the election shall be closed, the Aldermen, or one of the assistants, shall draw said tickets out of the box, open and read out the same, and pass the same over to one of the others for his inspection while the third election officer shall tally the vote. In case of a tie for the purpose voted for, the Aldermen may give the deciding vote. After the results shall have been ascertained, the election officers shall make out a certificate and deliver to the Councilman elected with the hour and place of meeting of the town Council at the first stated meeting after his election. A copy of same to be given to Clerk of Council, to be entered on minutes of first stated meeting after election, before entering upon his duties as Councilman-elect, he shall be sworn in at said meeting by the Alderman, or any subsequent meeting by the Alderman or one of the holding over Councilmen. If at any election the Alderman, or any of the persons whose duty it is to hold said election should not be present for that purpose at the time heretofore designated, the voters present may proceed to elect some one or more of their number in lieu of the Alderman or absent persons. If any vacancy shall ^{Vacancies.} occur in said Council by death, resignation, removal from town, refusal to serve, or otherwise, of any member thereof or of the

OF CITIES AND TOWNS.

How filled. president thereof by removal from town, refusing to serve or otherwise, the remaining Councilmen and the president, if there is no vacancy in the office of the president, and if there be, the remaining Councilmen shall have power to fill such vacancy or vacancies for the remainder of the whole term for which the person or persons whose vacancy or vacancies, is or are to be supplied, was or were elected.

Commissioners under Act to appoint Assessor and Alderman.

Section 3. The Commissioners named in this Act shall at the first regular meeting to be held, the second Monday in May next (1901) appoint an assessor and Alderman, whose respective term of office shall expire on the second Monday in May, 1902. The successors of such assessor as aforesaid shall be elected at the regular meeting of each and every town election for the term of one year. The Alderman, however, shall be appointed annually by the Town Council as herein provided for.

Alderman. The Town Council, at the regular meeting after each annual election, as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect, by ballot, some suitable person resident in the town, to be Alderman of the town of Greenwood, who may or not be a Justice of the Peace, to serve as such for one year, from the second Monday in May or until his successor shall be duly elected, subject, however, to be removed from office at any time by a vote of two-thirds of all the members composing the town Council. Before entering upon the duties of his office

Oath of office. he shall be sworn or affirmed, by the president of the town Council, or by any one of the Councilmen, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said town, and to carry into effect all orders and directions of the town Council made in pursuance of any law of this State or of any ordinance that the said town Council may legally make and establish. He shall have all the powers of a Justice of the Peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said town, so far as to arrest and hold to bail or fine and imprison offenders, and also of all fines and forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the town Council regularly passed and established for the government of the town, and also of all neglects, omissions or defaults of any town constable, collector, assessor, treasurer, town clerk or any other officer or person whose duty it may be to collect, receive, pay

Duties of.

Powers of.

OF CITIES AND TOWNS.

over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided, that he shall not impose any fine exceeding twenty dollars, or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs. His fees for any service under this section shall be the same as those of a Justice of the Peace for like service and for any service or duty for which no fee may be provided by law the fee may be established by ordinance of the town Council. If any vacancy shall occur in the office of Alderman of the town of Greenwood, by death, resignation, removal from office or otherwise, such vacancy may be supplied by the town Council at any meeting thereof for the residue of the term. If any Alderman shall be removed from his office by the town Council as hereinbefore provided, he shall deliver to his successor in office, within two days after the election of his successor, all the books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hands, belonging to the town within five days after his removal. Upon his neglect or failure to pay over to the treasurer of the town within the time aforesaid all moneys belonging to the town, shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Fees.
Vacancy.
Requirement as to successor
Neglect.
Penalty.

Section 4. The Alderman shall at every regular meeting of the town Council, report to the Council all fines imposed by him during the preceding month, and pay to the treasurer of the town of Greenwood all such fines and penalties, received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Special duties.

Section 5. The duties of the president of Council shall be to preside at the meetings of Council; have the general supervision of all the streets, lanes and alleys of said town, and of the persons who may be employed by the town Council; receive complaints of nuisances, and other complaints of citizens of violation of laws (or) ordinances and present the same to the Council at their first meeting for their action; and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the Alderman. He shall issue and

President of Council.

OF CITIES AND TOWNS.

Duties of

sign all licenses for every exhibition within the town of Greenwood (for) which, Section 1, of Chapter 51 of the Revised Code, a license therefor is required and all other exhibitions (licenses for) which by law or ordinances may be required to be issued; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town Council.

If the president of Council shall be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all the powers and duties conferred or imposed upon him by this section or any other law conferred or imposed by any ordinance or ordinances adopted by the town Council, shall be exercised and performed by the person who at the time shall be chairman of the Street Committee.

A body politic
to sue and be
sued

Section 6. The Councilmen and the president of Council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State and elsewhere by the corporate name of "The Town of Greenwood," and shall have a corporate seal, which they may alter, change or renew at their pleasure; and may purchase, take, hold and enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights, and credits, and may alien, grant, demise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and purposes of this Act. The president, and Councilmen, for the time being, shall have the superintendence and oversight of all roads and streets now open or hereafter to be opened within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than two hundred and fifty dollars, and shall make an order for the payment thereof to the treasurer of the town of Greenwood for the use of said town.

Appropriation
by Levy Court
for road and
street.

Town Council.
Powers of.

Section 7. The town Council shall have power, upon the application of ten or more citizens of the town, by petition for the purpose, to locate, lay out and open any new street, lane or lanes, or alley or alleys, or widen any street, lane or alley hereto-

OF CITIES AND TOWNS.

fore laid out in said town or reopen any old street or streets, lane or lanes, or alley or alleys, now closed or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively, through and over whose lands such street or streets, lane or lanes, or alley or alleys, may pass, such compensation therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town upon warrants drawn upon him by order of the Council aforesaid.

Section 8. Whenever the town Council shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or widen the same, and to furnish a general description of the location thereof, and also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate, but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the town Council, as aforesaid, he or she may, within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving a written notice to that effect on the president of said Council, or the person performing the duties of president of Council, for the time being. In order to prosecute said appeal such owner or owners shall within fifteen days after the expiration of the ten days allowed for appeals, and upon ten days' notice to said president of Council, or the person performing the duties of president of Council for the time being, make written application to the Associate Judge of the Superior Court of this State resident in Sussex County for the appointment of a Commissioner to hear and determine the matter of damages or compensation, and thereupon the said Associate Judge shall issue a commission under his hand directed to five freeholders of the said county, three of whom shall be residents of said town of Greenwood, and two of whom shall be non-residents of said town, commanding them to

Location of
streets, &c.
Notice to
owners.

Appeal for
damages.

Appointment
of Commis-
sioners by
Judge of
Superior Court
to assess dam-
ages.

OF CITIES AND TOWNS.

assess the damages which the owner of the real estate through or over whose lands said street, lane or alley shall pass, who shall have notified the said town Council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the said Associate Judge at a time therein appointed.

Oath of freeholders.

Return in writing.

Damages, how paid.

The freeholders named in such commission being first sworn or affirmed as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid and shall make the return, in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to said town Council, which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained; or if the person or persons so entitled reside out of or are absent from town during said period of one month, or are minors, then the same may be deposited to his or her credit in the First National Bank of Seaford, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased, the cost of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town, but if said damages shall not be increased the cost of appeal shall be paid by the party appealing.

The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, the town Council shall have the option to pay the damages assessed, within the time aforesaid and proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

Ordinances.

Section 9. The town Council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one quarter mile of the limits of said town. The

OF CITIES AND TOWNS.

Council may also pass ordinances to define and remove nuisances, to ascertain and fix boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend, or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained, to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways and to prescribe the width thereof; to regulate and provide for the making of gutters and the placing of gutter stones or plates therein, and for curbing, wherever in their opinion, such paving or graveling, making of gutters and the placing of gutter stones or plates therein, and curb, may be necessary or proper; to prescribe the extent of steps, porches, cellar doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and to provide for keeping the same clean and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to a greater breadth than four and one-half feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of five years, except upon the petition of a majority of the property owners, holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition the town Council shall have the option to make such change or alteration, or not. The town Council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registering of the same and to regulate their running at large, and may impose an annual tax not exceeding fifty cents on every male dog, or one dollar on every female dog, and may provide for the collection of the same, from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said Council shall have power also, by ordinances, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions of this Section contained.

OF CITIES AND TOWNS.

Notice to
owners for
paving, &c.

Neglect.

Treasurer to
present bill.

Warrant for
collection
thereof

To sell person-
al property

Section 10. Whenever the said town Council shall have determined that any pavement, graveling, guttering, placing of gutter stones, or plates in any gutter, and curbing, or any or either, or all of them, shall be done, except that no paving shall be done beyond the last dwelling house on either side of any street; they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause paving, graveling, guttering, placing of gutter stones or plates in any gutter, and curbing, to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days the said Council may proceed to have the same done, and when done the treasurer of the town shall, as soon as convenient thereafter, present to the said owner or owners of such lands a bill, showing the expense of such paving, graveling, guttering, placing of gutter stones or plates in any gutter and curbing. If such owner or owners be not resident in the town of Greenwood, such bill may be presented to the occupier or tenant of said land, or if there be no occupier or tenant resident in the said town of Greenwood, such bill may be sent by mail to such owner or owners, directed to him or them at the postoffice nearest his or their residence. If such bill be not paid by the owner or owners of such land within thirty days after the presentation thereof, as aforesaid, then it shall be the duty of the said town Council to issue a warrant in the name of the town of Greenwood under the hand of the president of the town Council, and the seal of the said corporation directed to the treasurer of the town of Greenwood, commanding him that of the goods and chattels, lands and tenements of such owner or owners he should cause to be levied and made the amount of the said bill, together with all costs. It shall be the duty of the treasurer of the said town of Greenwood as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the town of Greenwood at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods or chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the

OF CITIES AND TOWNS.

said treasurer of the said town of Greenwood, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five or more most public places in the town of Greenwood, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said town of Greenwood (or if there be no newspaper printed in the said town of Greenwood, then in a newspaper printed anywhere in Sussex County), to sell the lands and tenements of such owner or owners in front of which such paving, graveling, guttering, placing of gutter stones or plates in gutter, and curbing, or either of them have been done, or so much of said lands or tenements as may be sufficient to satisfy the amount of said bill with all costs and a deed from the treasurer of the said town of Greenwood shall convey to the purchaser of said lands and tenements, as full and complete title in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling, guttering, placing of gutter stones or plates in any gutter, and curbing, shall be a lien on the premises in front of which the said work was done, and said lien shall relate back to the time when the notice herein required shall have been served upon the owner or owners or the occupants of said premises, and shall have priority over any lien, incumbrance, or conveyance suffered or made by the owner or owners after the service of said notice. It shall be the duty of the treasurer of the said town, out of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the said proceeds and sale to the parties entitled thereto, and to retain for the use of the said town the amount of the said bill as aforesaid and the residue of the said purchase money, if any, shall immediately be deposited in First National Bank of Seaford to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping and taking care of such personal property for selling the same, and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this section to one owner shall be notice to all, and in case no owner shall reside in said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant

To sell lands
and tenements

Application of
proceeds of
sale.

OF CITIES AND TOWNS.

of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the postoffice nearest his or her place of residence. The provisions hereinbefore contained in this section shall apply to any order made by the Council of said town in respect to any pavement, sidewalk, gutter, placing of gutter stones or plates in any gutter or curb heretofore made or done, which the said Council may deem insufficient or to need repairing, the said Council, in addition to the provisions hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such fines and penalties as shall in the judgment of said Council be necessary and proper.

Regular meet-
ings.

Powers of

Constables

Section 11. The Council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any regular meeting. Such regular meeting shall be held on the second Monday in May, June, August, October, December, February and April, also such additional meetings as may be provided by ordinances in that behalf, or whenever any twelve taxables of said town shall in writing addressed to President of Council request special meeting, or whenever the president may deem it expedient. At any such regular or special meetings, ordinances or rules for the good government of said town, the improvements of its streets, the repairs and construction of drains and water courses, the planting and protecting of ornamental trees, and for all other matters relating to the general welfare of said town, may be ordained and enacted. They shall have and are hereby vested with power and authority to prescribe the fines or penalties for violation of any of the provisions of this Act. All such fines and penalties which may be imposed, either by this act or the ordinance enacted as aforesaid, may be collected before the Alderman of said town or any Justice of the Peace of said town, and in default of payment said Alderman or Justice of the Peace may commit for any time not exceeding thirty days.

Section 12. The Council of said town may appoint such number of town constables as shall be deemed necessary who, with the constable of Sussex County, residing in said town, shall constitute the town police. The Council of said town shall also have power and authority to remove any of the town constables at any time and appoint others in place of those removed, it

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shall be deemed necessary to make such appointments.

Section 13. The Council of said town shall have power and authority to make such regulations and enact such ordinances relating to the traveling over and upon the streets, lanes and alleys in said town and to the use thereof, and the standing or placing of carts, carriages or other vehicles or obstructions in and upon any of said streets, lanes, alleys or sidewalks as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof, and if any person shall violate the regulations and ordinances of said Council in that behalf every person so offending shall forfeit and pay to the treasurer of said town for the use of said town, a sum not exceeding ten dollars, to be recovered with cost by the treasurer of said town in the name of the town of Greenwood, before the Alderman of the said town or before any Justice of the Peace residing in said town in the same manner as debts of like amount are recoverable by law. Additional powers.

Section 14. It shall and may be lawful for the Council of said town to use the jail of Sussex County for the purpose of carrying into effect any judgment or sentence pronounced under the provision of this Act or for carrying into effect any ordinance or regulation adopted under the provision of this Act, and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of any ordinance of the Council of said town. Use of Jail of Sussex County.

Section 15. The Council of said town shall have the power and authority to use the money in the treasury of said town or any portion thereof for the improvement, benefit and ornament thereof as they may deem advisable in the general performance of their duties. The acts, doings and determinations of a majority of the Council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the Council of said town the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole. Council may use money in Treasury for public improvement.

Section 16. It shall be the duty of the Alderman of said Town Council of said town and of the constables of Sussex County residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gathering of persons in or about any buildings used for any fair, fes- Suppression of riotous or turbulent assemblages

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tival, concert or any other social, literary or religious meeting or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town, at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets or sidewalks, and for this purpose shall be the duty of any of said constables to seize and arrest any such persons so offending and carry them before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the Alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars and may commit the party to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of the Alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid commanding him to arrest and bring any such persons so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets, lanes, alleys of said town and take such person so arrested before the Alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If on view of the person or persons who may be brought before the Alderman of said town for violation of this section it shall appear to the Alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may commit such person to the keeper of the Jail of Sussex County to wait a trial at a time by him to be fixed, such time shall in no case be more than twenty-four hours from the time of commitment, unless the expiration of the said twenty-four hours shall be on the Lord's day, and then not later than ten o'clock on Monday morning following. The fee to the Alderman of said town for the trial of any cause under this Section shall be fifty cents, and to the constable making the arrest fifty cents; in case of a commitment the constable shall receive an additional fee of fifty cents and three cents for mileage, and the keeper of said jail shall be entitled to a like fee of fifty cents for each commitment whether by constable or by the Alderman of said town, and he shall be entitled to the same pay as is allowed by the Levy

Arrest.

Fine

Duty of
Constables.

Fee of Alderman and Constable.

OF CITIES AND TOWNS.

Court for Board of Prisoners.

Section 17. The Alderman of said town, the Council of said town and the Town Constable shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fireworks, or the making and throwing of fire-balls within the limits of said town, and the Council of said town may, by ordinance or ordinances, impose fines and penalties upon the persons violating the provisions of this section and may provide for the collection of such fines and penalties so imposed.

Section 18. If any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the Council of said town to present him to the Grand Jury of Sussex County, and upon conviction thereof by indictment he shall be fined a sum not less than ten nor more than one hundred dollars, and may be imprisoned in the discretion of the court for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office. Constable,
neglect of duty

Section 19. It shall be the duty of the Council of said town at the meeting on the second Monday in May in each and every year, or as soon as conveniently may be thereafter, to elect by ballot a Treasurer and Secretary, who shall hold their offices until the second Monday in May next after election and until their successors shall be duly elected and qualified. The Treasurer and Secretary may or may not be the same person and they may at the same time hold the office of Councilman. The said Council shall also have authority to elect by ballot a Collector of Taxes in any year they may think proper to do so. The Treasurer before entering upon the duties of his office shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the President of said Council or by any member thereof, or by any Judge, Justice of the Peace, or Notary Public. He shall also, before entering upon the duties of his office, give bond to the Town of Greenwood with sufficient surety to be approved by the Council of said town in the penal sum of eight hundred dollars, conditioned for the faithful discharge of Treasurer
and
Secretary.

Election of

Collector of
taxes.

Oath of
office of
Treasurer.

Bond.

OF CITIES AND TOWNS.

the duties of his said office and for the payment of his successors in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said Treasurer shall pay all orders drawn on him by order of said Council and signed by the President thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Council annually by the second Monday in April, and oftener, and at such other times as the said Council may require. The Treasurer, Secretary and Assessor of said town shall each receive a reasonable compensation for their services to be determined by the Council of said town; provided the compensation of the said Treasurer as such shall not exceed five per cent. on all moneys received by him belonging to said town, and of the Secretary acting as Collector shall not exceed eight per cent. on the taxes collected by him. The officers elected under the provisions of this Section in 1901 shall continue in office until the second Monday in May, A. D. 1902, and until their successors are duly elected.

Assessor. Section 20. That at the first regular meeting held in 1902 and on the first regular meeting in May each year thereafter there shall also be an Assessor elected, who shall be an inhabitant of the town of Greenwood and who shall not be a member of the Town Council during the year of his service as Assessor.

Assessment. Section 21. The Town Council may fix the sum to be assessed upon each and every male citizen residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town, but the sum so to be fixed shall be one and the same for every class and description of citizens, and shall not exceed the sum of nine hundred dollars.

Authority for collection of taxes. Section 22. The Town Council are hereby authorized and empowered to levy and collect from the taxable of said town according to the terms and provisions of this Act such sums as may be deemed by them necessary to carry out the provisions of this Act, clear of all delinquencies and expenses of collection; provided, nevertheless, that the citizens of the town may assemble in town meeting any evening during the year to determine whether any additional sum or sums shall be levied and collected

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for any specific purpose or purposes; notices of which meeting, the place of meeting and the special purpose or purposes for which said additional sum or sums are desired having been published by the Town Council in five public places in the town immediately preceding the time of said meeting. At said meeting a resolution or resolutions shall be prepared, stating explicitly the additional sum or sums needed or desired and the specific purpose or purposes to which the said sum or sums shall be applied. The qualified voters of the town shall then proceed to vote yea and nay by ballot upon such resolution or resolutions, and the result shall be certified to the Town Council, and if a majority of those voting shall approve of said resolution or resolutions, then the Town Council shall levy and collect said additional sum or sums, and apply the same for the purpose or purposes specified; and if more has been levied and collected than was necessary for the purpose or purposes named or specified, the residue shall be carried into the Treasury of the town for general purposes.

Section 23. It shall be the duty of the Assessor of said town annually to make a true, just and impartial valuation and assessment of all the real estate within said town and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town, and also the personal property of such citizens subject to county assessment and taxation, also to ascertain the number of dogs within the said town and assess the owner or keeper of dog or dogs fifty cents for each male dog and one dollar for each female dog. That all lots used for farming purposes not cut off from other farm lands by street or road shall be known as farm land, and all farm lands shall be assessed at not more than twenty-five dollars per acre. The rate of tax on farm land in the town limits shall be one-half the rate of taxation of town property generally. The said Assessor shall make such assessment and return the same to the Council of said town within three weeks next after his election in 1901, and within three weeks after the first Saturday in May in each year thereafter. The Council of said town shall assess the real estate and person and assessable personal property of the Assessor. The Council of said town shall as soon as conveniently may be after receiving said assessment list cause a full and complete transcript of said assessment list to be prepared and hung up in the postoffice or such other public or convenient place as

Duty of
Assessor

OF CITIES AND TOWNS.

the said Council may select in said town, where it shall remain for at least five days thereafter for public inspection, and the said Town Council shall on the first Monday in June hold a Court of Appeal, which shall continue open from 7 o'clock P. M. to 9 o'clock P. M. of said day, when they shall hear and determine appeals from the said assessment and may make correction of, additions to or alterations in the said assessment. The said Council may adjourn the Court of Appeals from day to day. Notice of the hanging up of said assessment list and also at the same time notice of the time and place of hearing appeals shall be given by posting such notices in at least five public places in the town of Greenwood. The determination of the Council of said town upon any appeal or upon any manner relating to such assessment shall be final and conclusive. No member of Council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said Council; after the said valuation and assessment shall be examined and adjusted by the Council of said town all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates. The said Assessor before entering upon the duties of his office shall be sworn or affirmed, diligently, faithfully and impartially to perform the duties of his office, to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by any Judge, Justice of the Peace or Notary Public.

Tax list.

Section 24. The Council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this Act and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of June, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the Council of said town in said year, or if there be none to the Secretary of said town, a list containing the names of the taxables as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate, his poll and assessable personal property and the tax on the whole valuation and assessment and the rate per hundred dollars, and which list shall be signed by the President of said Council. The Collector of Taxes, or if there be none elected in said year, the Secretary of said town, immediately after receiving said list shall proceed to collect the taxes rated and contained in said list.

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and in collecting same shall have all the powers conferred by law on the collectors of county rates and levies by the provisions of Chapter 12, 1852, of the Revised Code of 1893, in the collection of said taxes. The Council of said town shall have the power and authority to order the collector of taxes, or if there be none, the Secretary, to deduct eight per cent. from the amount of the tax assessed against the person or property of any who will pay such tax by the first day of August in any year following the assessment of the said tax. The Collector of Taxes, before entering upon the duties of his office, shall give bond to the Town of Greenwood, with sufficient surety, to be approved by the Council of said town, in the penal sum of five hundred dollars, conditioned for the faithful performance of the duties of his office, and the payment to the Treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the Treasurer of said town, in the month of April next following his election as Collector of Taxes, and at such other times as the Council of said town may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The Collector of Taxes shall receive a reasonable compensation for his services, to be determined by the Council of said town; provided, that he shall not receive more than eight per cent. on the taxes collected by him.

Collector of
taxes.
Bond of

Section 25. That in addition to the power hereinbefore given to the Collector of town or other taxes for the town of Greenwood, it shall and may be lawful for the Collector of the town of Greenwood, after demand made by him upon the person against whom a tax may be assessed, either poll, personal or real property for the payment of the tax assessed and the failure of said taxable to pay the same on said demand, to give written notice to any person or persons residing in Sussex County whom he may suppose to have in his or their possessions any goods, chattels, rights, credits, moneys or wages belonging to or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if the person served with notice as aforesaid shall refuse or neglect for thirty days after such notice to file a statement with the said Collector, giving in detail the goods, chattels, rights, credits, moneys or wages in his hands belonging to said delinquent taxable and to deliver the same to the collector or to pay into the hands of the Collector so much money as will

Additional
powers of
Collector.

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satisfy said town and other tax due and owing to said town of Greenwood from said delinquent taxable and all costs incurred in and about the collecting of said town and other taxes from said delinquent, the Collector may proceed by suit in the name of the town of Greenwood before any Justice of the Peace in the town of Greenwood against any person notified as aforesaid, and failing as hereinbefore provided, and may recover against him or her or them a judgment for the amount of the town and other taxes due from said delinquent taxable and all costs. The cost shall be fixed by the Justice of the Peace and shall conform as near as may in amount as fees in cases now cognizable before Justices of the Peace. The process made of trial, right of appeal and form of proceeding shall be as prescribed in Chapter 99 of the Revised Statutes of this State. The cost for serving the written notice shall be the same as now provided by law in cases of attachment. The oath of the collector shall be sufficient evidence of the demand on the taxable and of the service of notice upon and refusal and neglect of the person in whose hands were or supposed to be goods, chattels, rights, credits, moneys or wages.

Power to re-
mit taxes upon
manufacturing
establishments

Section 26. That the Town Council of the town of Greenwood may by an ordinance enacted at any regular monthly meeting, or by special resolution adopted, release, relieve and exonerate the real property, machinery, implements, tools and other necessary property of any person or persons or corporation used in the business of manufacturing within the limits of the town of Greenwood, employing not less than six persons, from any assessment for tax for town purposes or other tax over which the town Council have power or control, and from the payment of the same. No property shall be exempt from taxation aforesaid until such ordinance is enacted or special resolution adopted.

Secretary.

Section 27. The Secretary, if the duties of Treasurer and Secretary are not performed by one person, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered by the President of said Council or by any member thereof, or by the Alderman, Judge, Justice of the Peace or Notary Public. He shall also before entering upon the duties of his office give bond to the town of Greenwood with sufficient surety to be approved by the Council of said town, in the penal sum of three hundred dollars, conditioned for the faithful performance of his duties and for the pay-

Oath.

Bond.

OF CITIES AND TOWNS.

ment of all sums of money belonging to the town of Greenwood, collected by him, to the Treasurer of the town of Greenwood, at each and every regular or special meeting of the Town Council, and to settle in full on the second Monday in April of each year. The said Secretary shall also in any year, when no Collector of Taxes ^{May collect taxes.} shall be elected by Council of said town, and when required to do so by said Council, collect all the taxes assessed in said town as hereafter provided. It shall be the duty of the Secretary of said ^{Duties.} town to keep a true and faithful record of all the proceedings of the Council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act or which may be provided by any ordinance or ordinances enacted by said Council.

Approved March 9, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 184.

OF CITIES AND TOWNS.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BRIDGEVILLE," BEING CHAPTER 126, VOLUME 14, LAWS OF DELAWARE, AS AMENDED BY AN ACT ENTITLED "AN ACT TO AMEND SECTION 5, CHAPTER 126, VOLUME 14, LAWS OF DELAWARE," BEING CHAPTER 156, VOLUME 18, LAWS OF DELAWARE, BY AUTHORIZING AND DIRECTING THE LEVY COURT OF SUSSEX COUNTY TO PAY THE COMMISSIONERS OF BRIDGEVILLE THE SUM OF THREE HUNDRED AND FIFTY DOLLARS, ANNUALLY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring herein) :

\$350 to be paid
by Levy Court.

Section 1. That Section 5 of the Act entitled "An Act to incorporate the Town of Bridgeville," being Chapter 126, Volume 14, Laws of Delaware, as amended by an Act entitled "An Act to amend Section 5, Chapter 126, Volume 14, Laws of Delaware," being Chapter 156, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out the words "one hundred and fifty" before the word "dollars" in line thirty-one of said Section as amended, and by inserting in lieu thereof the words "three hundred and fifty."

Approved February 25, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 185.

OF CITIES AND TOWNS.

AN ACT TO ENABLE THE TOWN OF LAUREL TO REFUND ITS DEBTS BY
BORROWING MONEY AND ISSUING BONDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein) :

Section 1. That the Town Commissioners of Laurel be and they are hereby authorized and empowered to borrow on the credit of said town on the first day of May, A. D. 1901, the sum of twenty-five thousand dollars (\$25,000), which shall be applied, appropriated and expended for the purpose of paying and redeeming the bonds of the said town issued pursuant to the provisions of Chapter 284, Volume 21, Laws of Delaware, and for the purpose of paying the indebtedness now a lien upon the property whereon the water plant of said town is located.

Commissioners of Laurel authorized to borrow \$25,000.

Section 2. That the said Town Commissioners of Laurel, for the purpose of carrying into effect the provisions of this Act, shall have full power and authority, and are hereby expressly directed to issue the bonds of the town of Laurel, of such denominations as they shall deem best, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually on the first days of January and July respectively, in each year at the Sussex Trust Title and Safe Deposit Company, at Laurel. The principal of such bonds shall be made payable in thirty years from the date of the issue thereof, the said Town Commissioners reserving to itself power and authority of redeeming said bonds or any part of them, at the expiration of twenty years from the date of the issue of the same. Provided, however, that if the said Town Commissioners elect to redeem any of said bonds at the expiration of twenty years as aforesaid, such election shall be effected on the first days of July and January, and in pursuance of a notice to that effect published by said Town Commissioners of Laurel for the space of thirty days in two newspapers, one pub-

To issue bonds

Payment.

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Notice. lished in the City of Wilmington and one in the said town of Laurel. For the purpose of said notice in said newspaper of the City of Wilmington, publication in four issues, being once each week, shall be sufficient. In calling said bonds for redemption they shall be called consecutively, commencing with the lowest number; the interest on all bonds so called shall cease from the date of the payment thereof, and said bonds when paid shall be cancelled.

Form of bonds Section 3. That the said Town Commissioners of Laurel shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the President of the said Town Commissioners and countersigned by the Secretary, and shall be sealed with the corporate seal of said town and shall be exempt from all State, County and Municipal taxation; as the said bonds and coupons thereon are paid the same shall be cancelled in such manner as the said Town Commissioners shall direct.

Section 4. This Act shall be deemed and taken to be a public Act.

Approved March 15, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 186.

OF CITIES AND TOWNS.

AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

Section 1. That the Commissioners of the town of Laurel shall be, and they, or a majority of them, are hereby authorized and empowered, with the assistance of a skillful surveyor to be by them chosen, to extend and re-survey and lay down on a plot the town of Laurel, "Provided, however, that the provisions of this Act shall not apply to that part or portion of the town of Laurel within the limits of Broad Creek Hundred, unless a majority of the freeholders thereof shall assent thereto in writing," in Sussex County, re-establishing its limits and making and describing its streets, alleys, lanes and sidewalks, and shall, when the service is performed, return the plot, under their hands, to the Recorder's Office at Georgetown, to be recorded, and the original and the record, or a certified copy thereof, shall be evidence.

Commissioners to have made a new plot of town of Laurel.

Provision.

Section 2. There shall be a Board of Commissioners of the Town of Laurel, composed of one (1) Alderman and five (5) Commissioners. On the first Wednesday in March, A. D. 1901, there shall be an election held for one Alderman and two Commissioners, to serve for one year or until their successors are elected, and three Commissioners to serve for two years or until their successors are elected; on the first Wednesday in March, A. D. 1902, and every two years thereafter, there shall be an election held for one Alderman and two Commissioners, to serve for two years or until their successors are elected and qualified, and on the first Wednesday in March, A. D. 1903, and every two years thereafter, there shall be an election held for three Commissioners to serve for two years, or until their successors are elected and qualified." The Commissioners shall be resident freeholders

Board of Commissioners.

Election of

Terms of

Qualifications.

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Election, how held.	<p>of the town of Laurel at the time of their election, but any married man, resident of said town, whose wife is a freeholder of said town, may be elected a Commissioner, although he may not be the owner in his own right of any real estate within the said town. Any Commissioner whose term has expired is eligible to re-election. The election shall be opened at 2 o'clock P. M. and close at 4 o'clock P. M. and is to be held in the Council Chamber or some other suitable place designated by the Commissioners. At such election every male taxable of said town above the age of 21 years, who shall have paid the town tax last assessed to him, and is qualified to vote for members of the General Assembly of the State of Delaware, shall be entitled to vote. The election shall be held by the Alderman and the two (2) holding over Commissioners, or by the three (3) holding over Commissioners, who shall receive the ballots, ascertain the result, and certify the same in the books of the Commissioners. Before entering upon their duties as Commissioners elect, they shall be sworn in at the first stated meeting or any subsequent meeting by the Alderman or one of the holding over Commissioners. The Alderman and Commissioner or Commissioners aforesaid holding the election, shall be the Judges of said election and shall decide on the legality of the votes offered. If any vacancy shall occur in said Board of Commissioners by death, resignation, refusal to serve or otherwise, or if any member thereof, or of the Alderman thereof, by death, resignation, refusal to serve or otherwise, the remaining Commissioners shall have the power to fill such vacancy or vacancies.</p>
Qualification of voters. Officials to be sworn.	
Vacancies.	
Meetings.	<p>Section 3. There shall be twelve (12) stated meetings in every year of the said Commissioners, namely: On the first Wednesday in March, April, May, June, July, August, September, October, November, December, January and February, at which meetings they may pass all such ordinances or rules for the good government of the town, the improvement of its streets, the planting of ornamental trees, and for all other matters pertaining to said town. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collections. Also the Commissioners shall have authority to call special meetings of the Commissioners, whenever they may deem such meetings necessary, and at such meetings they shall have the right to transact any business that they may have authority to transact at regular meetings, and the Commissioners shall receive for their services</p>
Powers.	
Special meetings.	
Compensation.	

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one dollar each for each of the twelve (12) regular meetings, but no compensation for services at special meetings. The said Commissioners shall, at their first meeting after the election, elect one of their number as president of said Board of Commissioners, whose duty it shall be to preside at the meetings of Council, have the general supervision of all the streets, lanes and alleys in said town, and of the persons who may be employed by the Town Commissioners, receive complaints of nuisances and other complaints of citizens of violation of laws and ordinances and present the same to the Commissioners at their first meeting for their action, and such infraction and violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the Alderman. He shall issue and sign all licenses for every exhibition within the town of Laurel which by Section 1 of Chapter 51 of the Revised Code, a license therefor is required. He shall sign all warrants on the Treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinances of the Town Commissioners.

Section 4. The Alderman so elected, may or may not be a ^{Alderman.} Justice of the Peace, before entering upon the duties of his office, he shall be sworn or affirmed by the President of the Town Council or Commissioners or by any one of the Commissioners, to perform the duties of his office honestly, faithfully and diligently. ^{Powers and duties of.} It shall be his duty to execute all laws enacted for the government of the said town, and to carry into effect all orders and directions of the Town Commissioners made in pursuance of any law of this State, or any ordinance of the said Town Commissioners may legally make and establish. He shall have all the powers of a Justice of the Peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offences in said town, so far as to arrest, hold to bail or fine and imprison offenders, and also of all fines and forfeitures which may be prescribed by law of this State or of any ordinance of the Town Commissioners regularly passed and established for the government of the town, and also of all neglects, omissions, or defaults, of any Town Constable, Collector, Assessor, Treasurer, Town Clerk or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof, provided that he shall not impose any fine exceeding twenty dollars, or have jurisdiction in civil matters exceeding one hundred

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dollars, exclusive of costs. His fees for any service under this Section shall be the same as those of a Justice of the Peace for like service, and for any service or duty for which no fees may be provided by law the fee may be established by ordinance of the Town Commissioners. If any Alderman shall be removed from his office by the Town Commissioners, he shall deliver to his successor in office all the books and papers belonging to his office, and shall pay over to the Treasurer of the town all moneys in his hands, belonging to the town, within five (5) days after his removal. Upon his neglect or failure to pay over to the Treasurer of the Town within the aforesaid time, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor and, upon conviction thereof by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Alderman to
make report.

Section 5. The Alderman shall, at every regular meeting of the Town Commissioners, report to the Commissioners all fines imposed by him during the preceding month, and pay the Treasurer of the Town of Laurel all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than twenty nor more than one hundred dollars.

Commission-
ers a body cor-
porate.

Section 6. The Commissioners and the President of the Board of Commissioners, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State and elsewhere by the corporate name of "The Town of Laurel," and shall have a corporate seal, which they may alter, change or renew at their pleasure; and may purchase, hold and enjoy lands, tenements, hereditaments in fee simple or otherwise, and also goods, and chattels, rights and credits, and may alien, grant, demise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and purpose of this Act. The President and Commissioners, for the time being, shall have the superintendence and oversight of all roads and streets now opened or hereafter to be opened within the limits of said town, and no overseer of any such roads or streets shall

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be appointed by the Levy Court of Sussex County, but said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money, not less than six hundred dollars (\$600.00) and shall make an order for the payment thereof to the Treasurer of the Town of Laurel for the use of said town.

\$600.00 to be appropriated by Levy Court

Section 7. The Town Commissioners shall have power, upon the application of ten or more citizens of the town, by petition for the purpose to locate, lay out and open any new street, lane or alley, or widen any street, lane or alley heretofore laid out in said town, or reopen any old street, lane or alley now closed which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively, through and over whose lands such streets, lane or alley may pass, such compensation therefore as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the Treasurer of the town out of the moneys of said town upon warrants drawn upon him by order of the Commissioners aforesaid.

To locate new streets, &c.

Section 8. Whenever the Town Commissioners shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or widen the same, and to furnish a general description of the location thereof and also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of such real estate, but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the Town Commissioners as aforesaid, he or she may, within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving a written notice to that effect on the President of said Board of Commissioners or the person performing the duties thereof for the time being. In order to prosecute said appeal, such owner or owners shall, within fifteen days after the expiration of the ten days allowed for appeals, and upon ten days' notice to said President of the Board of Commis-

Notice to owners

Dissatisfaction of award

Appeal

Appointment of Commission to hear appeal, by Associate Judge of county.

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sioners, or the person performing the duties of President thereof for the time being, make written application to the Associate Judge of the Superior Court of the State, resident in Sussex County, for the appointment of a Commission to hear and determine the matter of damage or compensation, and thereupon the Associate Judge shall issue a commission under his hand directed to five freeholders of the said County, three of whom shall be residents of said town of Laurel, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose land said street, lane or alley shall pass, who shall have notified the said Town Commissioners of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the said Associate Judge at a time therein appointed.

Duties of
Commission

The freeholders named in such commission, being first sworn or affirmed as in said commission shall be directed, shall view the premises and they, or a majority of them, shall assess the damages aforesaid, and shall make returns, in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to said Town Commissioners, which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the Commission. The amount of damages being so ascertained, the Town Commissioners may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from town during said period of one month, or are minors, then the same may be deposited to his or her credit in the Sussex Trust, Title and Safe Deposit Company of Laurel, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by the Freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the Treasurer of the town out of any money in his hands belonging to the town, but if such damage shall not be increased the costs of the appeal shall be paid by the party appealing, the fees to the Freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damage shall be fixed and ascertained by the Freeholders aforesaid, the Town Commissioners shall have the option to pay damages assessed, within the time aforesaid and proceed with the said improve-

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ments, or, upon payment of the costs only, may abandon the proposed improvements.

Section 9. The Town Commissioners shall have power to ^{Powers and duties of Commissioners} enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of the said town. The Commissioners may also pass ordinances to define and remove nuisances, to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways, and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter-stones or plates therein, and for curbing, wherever, in their opinion, such paving or graveling, making of gutters and the placing of gutter-stones or plates therein, and curbs, may be necessary or proper, to prescribe the extent of steps, porches, cellar-doors, and other inlets to lots and buildings; to regulate the construction and repair of chimneys and to provide for the keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to a greater breadth than four and one-half feet in front of any vacant lot or lots not near or adjoining a dwelling-house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of five years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition the Town Commissioners shall have the option to make such change or alteration, or not. The said Commissioners shall have power also by ordinance, to appoint a Town Surveyer to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines on the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this Section contained.

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Paving. &c.

Section 10. Whenever the said Town Commissioners shall have determined that any paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, or any, or either, or all of them, shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling, guttering, placing of gutter-stones, or plates in any gutter, and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said Commissioners may have the same done, and when done, the Treasurer of the town shall, as soon as convenient thereafter, present to the said owner or owners of such lands, a bill, showing the expense of such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, if such owner or owners be not resident in the town of Laurel such bill may be presented to the occupier or tenant of such land, or if there be no occupier or tenant resident in the said town of Laurel such bill may be sent by mail to such owner or owners, directed to him or them to the postoffice nearest to his or their residence. If such bill be not paid by the owner or owners of such within thirty days after the presentation thereof, as aforesaid, then it shall be the duty of the said Town Commissioners to issue a warrant in the name of the town of Laurel under the hand of the President of the Board of Commissioners, and the seal of said corporation, directed to the Treasurer of the town of Laurel, commanding him that of the goods and chattels, lands and tenements of such owner or owners he should cause to be levied and made the amount of the said bill, together with all costs, it shall be the duty of the Treasurer of the said town of Laurel, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the town of Laurel at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or as much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of said Treasurer of the said town of Laurel, after ten days' notice to such owner or owners aforesaid, and after posting five

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or more notices of sale in at least five of the most public places of the town of Laurel, for at least ten days before the day of sale, and after causing such notices of sale to be published twice in one newspaper printed in the town of Laurel (or, if there be no newspaper printed in the said town of Laurel, then in a newspaper printed anywhere in Sussex County), to sell the lands and tenements of such owner or owners in front of which such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the Treasurer of the said town of Laurel shall convey to the purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, shall be a lien on the premises in front of which the said work was done, and said lien shall relate back to the time when the notice herein required shall have been served upon the owner or owners or occupant of said premises, and shall have priority over any lien, incumbrance, or conveyance suffered or made by the owner or owners after the service of said notice. It shall be the duty of the Treasurer of said town, out of the purchase money of the said goods and chattels or lands and tenements, sold as aforesaid, to pay all costs arising from the said proceeds and sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any shall immediately be deposited in the Sussex Trust, Title and Safe Deposit Company, at Laurel, to the credit of said owner or owners. The Treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with all such additional sums as may be reasonable and proper for the keeping and taking care of such personal property, for selling the same, and for advertising all of which shall be part of the costs to be paid out of the purchase money aforesaid. Any notice required by this Section to one owner shall be notice to all, and in case no owner shall reside in said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises, directed to

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him or her at the postoffice nearest his or her place of residence. The provisions hereinbefore contained in this Section shall apply to any order made by the Commissioners of said town in respect to any pavement, sidewalk, gutter, placing of gutter-stones or plates in any gutter, or curb, heretofore made or done, which said Commissioners may deem insufficient, or to need repairing. The said Commissioners, in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines and penalties as shall, in the judgment of said Commissioners, be necessary and proper.

Town Constable

Section 11. The Commissioners of said town may appoint such number of Town Constables as shall be deemed necessary, who, with the Constables of Sussex County residing in said town shall constitute the town police. The Commissioners of said town shall also have power and authority to remove any of the Town Constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

Ordinances as to use of streets, &c.

Section 12. The Commissioners of said town shall have power and authority to make such regulations and enact such ordinances relating to the traveling over and upon the streets, lanes and alleys in said town, and to the use thereof, and the standing or placing of carts, carriages, or other vehicles or obstructions in and upon any of said streets, lanes, alleys or sidewalks, as they shall deem proper, to secure the free and uninterrupted use and enjoyment thereof, and if any person shall violate the regulations and ordinances of the said Commissioners in that behalf, every person so offending shall forfeit and pay to the Treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered with costs, by the Treasurer of said town, in the name of the town of Laurel, before the Alderman of the said town or before any Justice of the Peace residing in said town, in the same manner as debts of like amount are recoverable by law.

May use jail of Sussex county

Section 13. It shall and may be lawful for the Commissioners of said town to use the Jail of Sussex County for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this Act, or for carrying into effect any ordinance or regulation adopted under the provisions of this

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Act and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this Act, or under the provisions of any ordinance of the Commissioners of said town.

Section 14. The Commissioners of said town shall have the power and authority to use the money in the Treasury of said town, or any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties, the acts, doings and determinations of a majority of the Commissioners of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the Commissioners of said town, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole.

Section 15. It shall be the duty of the Alderman of said town and Commissioners of said town, and the Constables of Sussex County residing in said town, and of the town Constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gathering of persons in or about any buildings used for any fair, festival, concert, or any other social, literary or religious meetings, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town, at any time or season whatever; to prevent all gatherings whatever, which may obstruct or interfere with the free use of the streets or sidewalks, and for this purpose it shall be the duty of any of said Constables to seize and arrest any such persons so offending and carry them before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the Alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party to prison for a period not exceeding thirty days, or until such fine and costs shall be paid. It shall be the duty of the Alderman of said town, upon complaint made before him of any such riotous, turbulent, or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the Constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the Constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets, lanes or alleys of said town, and take such persons so arrested before the Alderman of said town, who shall

To suppress
riotous assem-
blages

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proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this Section for the punishment of persons brought before him for the offences in this Section first enumerated. If upon view of the person or persons who may be brought before the Alderman of said town for violation of this Section it shall appear to the Alderman that in his judgment, such person or persons are not in a condition to be heard or tried, he may commit such persons to the town lock-up or jail to wait a trial at a time by him to be fixed; such time shall in no case be more than twenty-four hours from the time of commitment, unless the expiration of the said twenty-four hours would be on the Lord's day, and then not later than ten o'clock on the Monday morning following. The fee to the Alderman of said town for the trial of any cause under this Section shall be fifty cents, and to the Constable making the arrest fifty cents.

Section 16. The Aldermen of said town, the Commissioners of said town, and the town Constables shall have power and authority to suppress, extinguish and prevent all bon-fires in any of the streets, lanes, alleys or squares of said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire crackers or other fireworks, or the making and throwing of fireballs within the limits of said town, and the Commissioners of said town may, by ordinance or ordinances, impose fines and penalties upon the persons violating the provisions of this Section, and may provide for the collection of such fines and penalties so imposed.

To abate nuis-
ances

Section 17. The Commissioners of said town are hereby required and authorized to prohibit the use, maintenance or establishment of any building or structure wherein any cattle, sheep or swine are now, or may hereafter be slaughtered, and to further prohibit any offal or refuse matter from any such building or structure being brought within the limits of said town. To cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether in the streets, lanes or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The Commissioners of said town, or a majority of them may proceed, either on their own view or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance, and

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where the same exists. If the Commissioners of said town, or a majority of them, either of themselves or upon such information, or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice in writing, signed by the President of said Commissioners, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect for the space of two days after such notice to remove or abate such obstruction or nuisance, the Commissioners of said town shall have power and authority to cause such obstruction or nuisance to be removed or abated; and for this purpose the Commissioners of said town may issue a warrant in the name of the town of Laurel under the hand of the President of the Commissioners, and the seal of said corporation, and directed to any Constable of the town of Laurel, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered, shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Laurel, and to take with him such assistance, implements, horses, carts, wagons or other things, as may be necessary and proper, and do and perform all matters and things, right and proper to be done for the removal of such obstruction or the abatement of such nuisance. The costs and damages of all the proceedings shall be determined and adjudged by the Commissioners of said town, and if the same be not paid to the Treasurer of said town for the use of the town, by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such costs and damages shall have been presented to such person, then the Commissioners of said town may proceed to collect the same out of the goods and chattels of such person by warrant issued to the Treasurer of said town in the same manner as provided in Section 10 of this Act for the collection of the expense of any paving, graveling, etc., and the Treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred and shall proceed in the same manner as directed by said Section 10 of this Act, on warrants directed to him under said Section to collect the expense of paving, graveling, etc., except that nothing in this Section contained shall confer any power upon the Treasurer of said town

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to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice aforesaid, he shall, in addition to the provisions hereinbefore in this Section in that behalf contained, forfeit and pay to the Treasurer of said town for the use of the town the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days' notice as aforesaid, to be recovered with costs of suit, in the name of the town of Laurel, before the Alderman of said town or any Justice of the Peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two days' notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not removed or abated, or if then removed or abated, up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of the costs, will exceed one hundred dollars, the case shall not be cognizable before the Alderman or Justice of the Peace, but in such case suit in the name of the town of Laurel may be brought in the Superior Court of the State of Delaware, in and for Sussex County. These last provisions shall be cumulative and additional to the provisions hereinbefore in this Section contained.

Neglect of
Constable to
perform duty

Section 18. If any constable shall neglect or refuse to perform any of the duties required by him by this Act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the Commissioners of said town to present him to the Grand Jury of Sussex County, and upon conviction thereof by indictment, he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned, in the discretion of the Court, for any term not exceeding one year, and upon such conviction he shall forfeit his office.

To elect Treas-
urer and Secre-
tary

Section 19. It shall be the duty of the Commissioners of the said town, at the meeting on the first Wednesday in March in each and every year, or as soon as conveniently may be thereafter, to elect by ballot a Treasurer and Secretary, who shall hold

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their offices until the first Wednesday in March next after their election and until their successors shall be duly elected and qualified. The Treasurer and Secretary may or may not be the same person, and they may at same time hold the office of Commissioner. The said Commissioners shall also have authority to elect by ballot a Collector of Taxes, who may or may not be a member of the Commissioners, in any year they may think proper to do so. The Treasurer, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the President of said Commissioners, or by any member thereof, or by any Judge, Justice of the Peace, or Notary Public. He shall also, before entering upon the duties of his office, give bond to the town of Laurel, with sufficient surety to be approved by the Commissioners of the town of Laurel, in the penal sum of twelve hundred dollars, conditioned for the faithful discharge of the duties of his said office, and for the payment of his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for confession of judgment for said penalty. The said Treasurer shall pay all orders drawn on him by order of said Commissioners, and signed by the President thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Commissioners annually by the first Wednesday in February, and oftener and such other times as the said Commissioners may require. The Treasurer, Secretary and Assessor of said town shall each receive a reasonable compensation for their services, to be determined by the Commissioners of said town; provided, the compensation of said Treasurer, as such, shall not exceed five per cent. on all moneys received by him belonging to said town, "except moneys received from or on account of the sale of bonds," and of the Secretary, acting as Collector, shall not exceed eight per cent. on the taxes collected by him. The officers elected under the provisions of this Section in 1901, shall continue in office until the first Wednesday in March, A. D. 1902, and until their successors are duly elected.

Section 20. That at the first regular meeting held in March, 1901, and on the first regular meeting in March each year thereafter, there shall also be an Assessor elected, who shall be an in-

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habitant of the town of Laurel, and who may or may not be a member of the Town Commissioners during the year of his services as Assessor.

Amount of tax
to be levied

Assessment

Section 21. The Commissioners hereinbefore named, and their successors in office, shall, at their first stated meeting in every year, determine the amount of tax to be raised on said town for that year, not exceeding Fifteen hundred dollars, (\$1,500.00) clear of all delinquencies and expenses of collection, including tax on real and personal property and poll tax. It shall be the duty of the Assessor of said town within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning real estate and those not owning real estate within its limits, at least one dollar per head. And the said Assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the Commissioners shall give five days public notice of the fact, and they will sit together at a certain place and on a certain day, to be designated by them, from one till four o'clock in the afternoon, to hear appeals from said assessment. They shall have power on such day to add to or increase any assessment except that of poll, which shall always remain at the figures above stated. When the appeal day is past, they shall, without delay, cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of tax laid and pay over the whole amount, deducting commissions and delinquencies which shall be allowed by the Commissioners, to the treasurer of the said town, by the first day of September next, after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law on the collectors of county taxes. Provided, however, that in making said assessment for the town of laurel that all machinery in any manufactory now in said town, or that may be hereafter erected, shall be exempted from taxation for town purposes, and that only the real estate and buildings belonging to said factories shall be taxed.

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Section 22. That all persons owning a dog or dogs within the corporate limits of the said town of Laurel shall, on or before the first day of July in each and every year, go before the Alderman of said town and there register said dog or dogs so owned by them, and pay to the said Alderman a tax or registration fee of one dollar for each male dog and two dollars for each female dog. The Alderman shall furnish for each dog so registered and on which the said tax or fee has been paid, an oval brass tag of not less than one inch in width and one and one-half inches in length, with a number stamped thereon, which said tag shall be worn on a strap around the neck of said dog so registered. The brass tag above mentioned shall be annually furnished to the Alderman by the secretary of the town commissioners, the cost of which tags shall not exceed ten cents each, to be paid out of the moneys so collected as dog tax. All dogs, male or female, found running at large within the corporate limits of said town after the said first day of July, not wearing the brass tags as hereinbefore provided, shall be caught or taken up by a suitable person who shall be appointed for that purpose by the town commissioners at their first meeting after organization, or any subsequent meeting, of each year, said dogs after being caught or taken up shall be kept in some suitable place to be provided by the said Commissioners, for the period of two days, during which time any owner or owners can redeem said dog or dogs by having the same registered as hereinbefore provided, and paying to the said Alderman, in addition to the tax or fee so paid all expenses of taking and keeping said dog or dogs. If such dogs so kept are not redeemed within the specified time, it shall be lawful for the official so catching and keeping such dogs to sell them at a price not less than the cost of registration and the expenses of taking and keeping same, or upon inability to sell them, to kill or destroy them. The town commissioners are hereby authorized to expend any sum of money not exceeding the revenue derived from the registration of dogs, for the purpose of carrying this law into effect, fixing the compensation of the said official for catching and keeping the dogs aforesaid, and any other expenses necessary for the proper execution of this law. The said Alderman shall keep a suitable book for such registration, and shall make settlement with the town commissioners whenever called upon to do so. He shall be allowed eight per cent. on all moneys so received by him as dog tax, and shall pay over the remainder to the treasurer of the said town, taking his receipt

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for the same. If there should remain any surplus of dog tax so collected, after the expense hereinbefore mentioned shall have been paid, it shall be applicable in like manner as other taxes. On the second day of July, 1902, and on the second day of July in each and every year thereafter, or as near that date as possible, the Alderman shall furnish to the collector of town taxes a complete list of the persons having paid taxes the year preceding, with number of tax so paid for, who have not re-registered their dogs and paid the taxes for the current year, and if such persons refuse to pay the tax within ten days, said dogs shall be caught or taken up and kept or redeemed, killed or destroyed, as hereinbefore provided.

Additional
powers of Col-
lector

Section 23. That in addition to the powers hereinbefore given to the collector of town or other taxes for the town of Laurel, it shall and may be lawful for the collector of the town of Laurel, after demand made by him upon the person against whom a tax may be assessed, either poll, personal, or real property, for the payment of the tax assessed, and the failure of said taxable to pay the same on said demand, to give written notice to any person or persons residing in Sussex County whom he may suppose to have in his or their possession any goods, chattels, rights, credits, moneys, or wages belonging to or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if the person served with notice as aforesaid, shall refuse or neglect for thirty days after such notice to file a statement with the said collector, giving in detail the goods, chattels, rights, credits, moneys, or wages in his hands belonging to said delinquent taxable and to deliver the same to the collector, or to pay into the hands of the collector so much money as will satisfy said town and other tax due and owing to said town of Laurel from said delinquent taxable, and all costs incurred in and about the collecting of said town and other taxes from said delinquent, the collector may proceed by suit in the name of the town of Laurel, before any Justice of the Peace in the town of Laurel, against any person notified as aforesaid and failing as hereinbefore provided, and may recover against him, her or them a judgment for the amount of the town and other taxes due from said delinquent taxable, and all costs. The costs shall be fixed by the Justice of the Peace and shall conform as near as may in amount as fees in cases now cognizable before Justices of the Peace. The process, mode of trial, right of appeal and form of proceeding shall be as prescribed in Chapter 99 of the Revised Statutes of this State. The

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cost for serving the written notice shall be the same as now provided by law in cases of attachment. The oath of the collector shall be sufficient evidence of the demand on the taxable and of the service of notice upon and refusal and neglect of the person in whose hands were or supposed to be goods, chattels, rights, credits, moneys or wages.

Section 24. The secretary, if the duties of the treasurer and ^{Secretary} secretary are not performed by one person, before entering upon the duties of his office, shall be sworn or affirmed, faithfully, honestly and diligently to perform the duties of his office. Which oath or affirmation may be administered by the president of said ^{Oath} commissioners, or by any member thereof, or by the Alderman, Judge, Justice of the Peace or Notary Public; he shall also, before entering upon the duties of his office, give bond to the town ^{Bond} of Laurel, with sufficient surety, to be approved by the Commissioners of said town in the penal sum of Three hundred dollars, conditioned for the faithful performance of his duties, and for the payment of all sums of money belonging to the town of Laurel collected by him to the treasurer of the town of Laurel at each and every regular or special meeting of the town Commissioners, and to settle in full on the first Wednesday in February of each year. The said secretary shall also in any year when no collector ^{Duties} of taxes shall be elected by commissioners of said town, and when required to do so by said commissioners, collect all the taxes assessed in said town as hereafter provided. It shall be the duty of the secretary of said town to keep a true and faithful record of all the proceedings of the commissioners of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this Act, or which may be provided by any ordinance or ordinances enacted by said commissioners.

Section 25. That the Levy Court of Sussex County shall have charge of the following bridges, namely: the bridge over the Laurel River, at North Delaware Avenue, on the road leading to Seaford, and the bridge over run known as the "Little Mill Stream," at East Front Street, on the road leading to E. W. Twilley's Grist Mill, and the bridge over run know as the "Little Mill Stream," at North Willow Street, on the road leading to E. W. Twilley's Grist Mill, and the bridge over run known as the "Little Mill Stream," at East Market Street, on the road to the "Cooper Farm," and the bridge over run at "Little Mill" site, at East <sup>Jurisdiction of
Levy Court as
to bridges</sup>

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Sixth Street, on the road leading to Hearn's X Roads. The said Levy Court shall keep said bridges and abutments thereof in good order and repair, and shall, when necessary, rebuild the same. The said bridges shall be protected at the sides by a wall or railing at least three feet above the grading of said streets or roads. All work of rebuilding or repairs to said bridges to be under the supervision of the president of the said Commissioners.

Repeal of former Acts

Section 26. The act to incorporate the town of Laurel, passed at Dover, April 13th, 1883, and an act to amend said act, passed at Dover, May 5th, 1891, and an act to further amend said act passed at Dover, May 15th, 1891, and the several acts and parts of acts inconsistent with or supplied by this act are hereby repealed and made null and void, saving and excepting, however, from the effect of such repeal, and hereby expressly declaring that all the ordinances of the town of Laurel, heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the commissioners of said town. That all the acts and doings of the commissioners of said town or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the commissioners of said town, are hereby ratified and confirmed. That all debts, fines or penalties and forfeitures due to said town of Laurel, and all debts due from said town of Laurel, to any person or persons, whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all of said taxes shall be fully collected and paid; that the official bond of said collector, and other officers required to give bond, shall be unaffected and unimpaired by this repeal, and that they and their sureties therein shall continue liable for any breaches of any of the conditions of said bonds, and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture, or debt due to said town, under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

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Section 27. That this Act shall be deemed and taken to be a public Act.

Approved March 16, A. D. 1901.

CHAPTER 187.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 176, VOLUME 17, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF SEAFORD," BY INCREASING APPROPRIATION BY LEVY COURT, CHANGING TIME OF MEETINGS OF COUNCIL, INCREASING PER CAPITA TAX, AND INCREASING AMOUNT THAT MAY BE RAISED BY TAXATION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 176 of Volume 17, Laws of Delaware, entitled "An Act to re-incorporate the town of Seaford," as the same has been amended, be and the same is hereby amended, as follows:

By striking out line six of Section 1 the words "four hundred and fifty" and inserting in lieu thereof the words "six hundred." And by striking out lines five, six and seven of Section 2 thereof the words "six stated meetings in March, May, July, September November and January,," and inserting in lieu thereof the words "twelve stated meetings, one to be held on the second Tuesday of each month." And by striking out of line three of Section 22 thereof the words "fifty cents" and inserting in lieu thereof the words "one dollar." And by striking out of line four of Section 23 thereof the word "five" and inserting in lieu thereof the word "ten."

Levy Court to pay \$600 to the town of Seaford

Approved March 9, A. D. 1901.

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CHAPTER 188.

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AN ACT AUTHORIZING THE "TOWN OF SEAFORD" TO BUILD AND ESTABLISH WATER WORKS AND SEWER SYSTEM AND TO PROVIDE FOR APPARATUS FOR EXTINGUISHING FIRES AND TO BORROW MONEY AND ISSUE BONDS FOR THE PAYMENT THEREFOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein) :

Establishment
of water works
and sewer sys-
tem

Section 1. That "The Town of Seaford" be and it is hereby vested with full power and authority to provide for said town an ample supply of pure water for domestic use and for the suppression of fires, and a system of sewers, and for this purpose to lay pipes for the proper conveyance and distribution of said water and for the purpose of providing a sewer system on any land or lands of any person or persons whomsoever, through whose lands the Council of the said town of Seaford may deem it expedient to convey said water; and to erect, make and establish all receivers, reservoirs, edifices, pipes, sluices, and other works that may by the said Council of the town of Seaford be deemed necessary for the collection, conveyance and distribution of said water, and the establishment of said sewer system and provide apparatus for extinguishment of fires, and also to contract and agree with the owner or owners for the purchase of any land or lands which may be necessary for the purpose of carrying into effect the objects of this Act.

Occupancy of
lands

If the owner or owners of said land, or any of them refuse to permit the said Council of the town of Seaford to enter upon and occupy said land or lands for the purpose aforesaid, and if such owner or owners be unable or unwilling to contract and agree with the said Council upon the compensation to be made for any real or supposed injury that may be done to said lands by such entry and occupation, then the said Council of the town of Seaford shall have power and authority to go upon said land or lands.

Disagree-
ment as to
compensa-
tion

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and they, or a majority of them, after viewing the same shall assess the damages of such owner or owners fairly and impartially under all the circumstances and certify their finding and award in writing to the said owner or owners of the said land or lands, and if such owner or owners be not resident within the said town to certify their finding and award to the holder or tenant of said real estate, but if there be no holder or tenant resident in said town, the said notice shall be affixed to the most conspicuous part of the premises, which shall be as effectual as personal service of the same. Damages

If any owner be dissatisfied with the amount of the compensation or damages allowed by the said Council of the town of Seaford as aforesaid, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of compensation or damages by serving written notices to that effect on the President or other presiding officer of the said Council of the town of Seaford. Dissatisfaction as to damages.
Appeal Notice.

In order to prosecute such appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for the appeal, and upon ten days' notice to the said president or presiding officer of the said Council of the town of Seaford, make written application to the Associate Judge of the Superior Court of this State, resident in Sussex County, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said Associate Judge shall issue a commission under his hand, directed to five freeholders of the said county, three of whom shall be residents of the said town of Seaford, and two of whom shall be non-residents of the said town, commanding them to assess the damages which the owner or owners of the said land or lands intended to be taken, occupied or used for the purposes of this Act as aforesaid (and who shall have notified said Council of their intention to appeal) may sustain or incur by reason of such use or occupancy and to make return of their proceedings to the said Associate Judge at a time therein appointed. The freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them shall assess the damages as aforesaid, and shall make return in writing of their proceedings in the premises to the Associate Judge, who shall deliver said return to the said Council of the town of Seaford, which shall be final and conclusive. The said Appointment of Commission to estimate damages.
Report of Commission to judge.

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Associate Judge shall have power to fill any vacancy in the commission.

Payment of damages

The amount of damages being so ascertained, the said Council of the town of Seaford may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from the said town during the said period of one month, then the same may be deposited to his or her credit in the "First National Bank of Seaford," or the "Sussex National Bank of Seaford," or any other responsible bank in Sussex County, as the said Council of the town of Seaford shall deem proper, within said time and thereupon said property or land may be taken or occupied for the uses aforesaid.

In the ascertainment of damages by the freeholders aforesaid, if the damages shall be increased the costs of the appeal shall be paid by the treasurer of the said town, out of any money in his hands belonging to the town, but if said damages shall not be increased the costs of the appeal shall be paid by the appellant. The fees of the freeholders shall be Two dollars per day each day, which shall be taxed as part of the costs. After the damages shall be fixed as ascertained by the freeholders aforesaid the said Council of the town of Seaford shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements, or upon the payment of costs only may abandon their intention of taking and occupying said land or lands for the purpose aforesaid.

Powers and duties under act

Section 2. That the said Council of the town of Seaford be and they are hereby authorized and empowered to do all things necessary for the location, construction, and operation of water works for furnishing the said town with an ample supply of pure water as aforesaid, and to purchase hose and hose carriage or carriages, and such other instruments and machines for use in suppression of fires as to them may seem expedient, and to provide for the care, maintenance and use of the same. And the said Council of the town of Seaford shall have full power and authority to lay mains and branch pipes for the conveyance and distribution of water, and to make and establish receivers, reservoirs and fire-hydrants, in such parts of the streets of the said town, and to build, construct and maintain sewers, as the Council of the town of Seaford shall from time to time deem expedient; and

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shall grant to all persons whomsoever the privilege of using the water conveyed and distributed by them in said town, and the sewers of said town in such manner, and on such terms and conditions as to them may seem just and proper, and shall pass such ordinances touching the said water, its distribution through said town, and all the streets thereof, the regulation of its use in case of fire, and its general management and control, and the use of sewers, as to them, the said Council, shall at any time seem most expedient.

Section 3. That the Council of the town of Seaford be and they are hereby vested with full power and authority to issue for the purpose of carrying into effect the provisions of this Act, bonds of the town of Seaford to an amount not exceeding in the aggregate the sum of Twenty-five thousand dollars, and of the denominations One thousand, five hundred, and three hundred dollars respectively, and in such proportions as to each or any of these denominations as shall have been determined by the said Council of the town of Seaford, which said bonds shall be dated on the first day of July of the year in which they may be issued and numbered consecutively, commencing with number one, and shall bear interest from and after the date at a rate of interest not exceeding four per centum per annum, payable semi-annually on the first days of January and July in each year while they remain unpaid, at the First National Bank of Seaford, or the Sussex National Bank of Seaford, or any other responsible bank in Sussex County, at the option of the said Council of the town of Seaford, on presentation of the coupons representing said semi-annual interest, each semi-annual instalment of interest being represented by coupons attached to said bonds.

And said bonds shall be payable at the First National Bank of Seaford, or the Sussex National Bank of Seaford, or any other responsible bank in Sussex County, as the said Council of the town of Seaford shall hereafter determine, on the first of July, A. D. 1931, but may be redeemed at the option of the said Council of the town of Seaford, at any time after the first day of July, A. D. 1911; provided, however, that if the said Council of the town of Seaford elect to redeem any of the said bonds according to these terms, such redemption shall be effected either on the first days of July or January, and in pursuance of notice signed by the president of the said Council of the town of Seaford, and the treasurer of the said town, published for the space of thirty days,

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or in one issue each week for four successive weeks in one newspaper published in the City of Wilmington, one published in the town of Dover, and one published in the town of Seaford, and if there be none published in the town of Seaford, then in that case in one published in the town of Georgetown, in this State; such notice shall indicate the bonds called, and in making the calls the said Council of the town of Seaford shall call the bonds according to their number, beginning with the lowest number, and interest on all bonds so called shall cease from the date named for their redemption.

Form, printing, and sale of bonds.

Section 4. That the said Council of the town of Seaford shall direct and effect the preparation, printing and sale of the bonds authorized by this Act at such time or times and on such terms as they may deem expedient; but that all the money the proceeds of such sale shall be applied to carrying into effect the provisions of this Act. The form for said bonds shall be prescribed by the Council of the town of Seaford, and shall be signed by the president of the said Council and the treasurer of said town, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal taxation. As the said coupons and said bonds are paid the same shall be cancelled in such manner as the said Council shall direct.

Application of water rents

Section 5. That the said Council of the town of Seaford be and they are hereby directed and required to apply all the water rents and other revenues which may be derived from the water works provided for by this Act to paying the expenses of properly keeping up and operating said water works as directed by this Act, and shall apply the surplus, if any remains, to the payment of the interest accruing on the bonds issued in accordance with the provisions of this Act. And if after the payment of said interest there should still remain a surplus from the revenue of said water works, the said surplus shall be used for redemption of said bonds in the manner provided for by this Act. And the said Council of the town of Seaford are hereby authorized and required to levy upon all assessable real estate and other property now subject to assessment by law in the town of Seaford, annually, a special tax sufficient to pay all the interest accruing on said bonds and all the expenses of properly keeping up and operating the said water works as aforesaid, which the rents and revenues derived from said water works may be inadequate to meet.

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From and after five years from the date this Act becomes a law, said Council of the town of Seaford are also authorized and empowered to annually levy a further special tax upon said real estate and other property now subject to assessment by law in said town, for the purpose of establishing a sinking fund adequate to the redemption at or before maturity of all the bonds which may be issued under the provisions of this Act; provided, that the amount to be raised for the purpose of establishing a sinking fund for the redemption of said bonds shall not exceed in any one year the sum of One thousand dollars.

Section 6. That any person or persons designedly or negligently injuring said water works or sewers or any part thereof, or obstructing the passage of water to or from the same, or in any manner polluting the water required for said water works at its source or at any point below said source, shall for every offense forfeit and pay to the said Council of the town of Seaford a fine not exceeding One hundred dollars, to be recovered by said Council of the town of Seaford, before the Alderman of said town, or any Justice of the Peace residing in Sussex County; and the said Council of the town of Seaford shall have power to impose fines and penalties for the enforcement of all such ordinances as they shall make touching the regulation, management and protection of the water works provided by this Act.

Section 7. That the said Council of the town of Seaford shall have full power and authority to enter upon any public road without the limits of the said town for the purpose of laying pipes for the conveyance and distribution of water and establishing a sewer system, under the provisions of this Act.

Section 8. That the faith of the town of Seaford is hereby pledged for the payment of the bonds authorized to be issued under this Act.

Section 9. That the Treasurer of the said "The town of Seaford," shall, to secure the said town against loss on account of the said money so derived from said bonds, enter into a special bond with surety or sureties, in such an amount as shall be fixed by the Council of said town. The said bond shall be in such form as the Council of said town of Seaford shall prescribe, and shall with the surety or sureties require the approval of said Council.

The said Treasurer for his services in receiving, keeping and

OF CITIES AND TOWNS.

paying out said money shall be entitled to a commission of one-half of one per cent. on the money actually paid out by him.

Approved February 22, A. D. 1901.

CHAPTER 189.

OF CITIES AND TOWNS.

AN ACT AUTHORIZING THE TOWN COUNCIL OF GEORGETOWN TO BORROW MONEY AND ISSUE BONDS TO SECURE THE PAYMENT THEREOF, FOR THE PURPOSE OF PROVIDING A SUPPLY OF WATER AND LIGHTS FOR THE TOWN OF GEORGETOWN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Town Council of Georgetown be and are hereby authorized, empowered and directed to borrow on the credit of the town of Georgetown, a sum of money not exceeding Twenty-five thousand dollars (\$25,000), which shall be applied, appropriated and expended for the purpose of erecting Water Works and furnishing the said town with an ample supply of pure water for domestic purposes and for the protection of said town against fire and establishing a proper Light Plant (electric or of some other illuminating agency) by purchase or otherwise, sufficient to properly light said town and furnish light for private use. That the said Town Council of Georgetown for the purpose of carrying into effect the provisions of this Act, shall have power and authority and are hereby directed to issue bonds of the town of Georgetown of such denomination as they shall deem best, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually on the first days of July and January, respectively, in each year, at the Farmers' Bank of the State of Delaware, at Georgetown, the principal of such bonds shall be made

Establishment of water works and light plant
To borrow \$25,000

Bonds

OF CITIES AND TOWNS.

payable in twenty-five years from the date of the issue thereof, the said Town Council of Georgetown, reserving the power and authority of redeeming said bonds or any part of them at the expiration of five years from the date of the issue of the same: Provided, that if the said Town Council of Georgetown, elect to redeem any of said bonds at the expiration of five years, as aforesaid, such election shall be effected on the first days of July and January, and in pursuance of a notice to that effect published by the said Town Council of Georgetown in at least four issues of two newspapers, one published in the City of Wilmington and one in Sussex County. In calling said bonds for redemption and **Payment** payment they shall be called consecutively, commencing with the lowest number; the interest on all said bonds so called, shall cease from the date of the redemption thereof and said bonds when paid shall be canceled. If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the Town Council of Georgetown may, if they deem it expedient, redeem and pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

Section 2. That the Town Council of Georgetown shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the President of the Town Council and countersigned by the Secretary, and shall be sealed with the corporate seal of said Town Council, and be exempt from all State, County, and Municipal taxation. As the said bonds and coupons thereon are paid the same shall be canceled in such manner as the said Town Council shall direct, and it is further provided that the said Town Council of Georgetown shall place the bonds in the hands of the Board of Light and Water Commissioners of Georgetown, who shall negotiate the sale and delivery of the same, and the moneys, the proceeds of the sale of said bonds, shall be deposited with the Treasurer of the said Board of Light and Water Commissioners to be used for the purpose of carrying into effect the provisions of this Act. **Form and printing of Bonds** **Sale of**

Section 3. That the Town Council of Georgetown are authorized and required to levy upon all the assessable real estate and leasehold estates or houses on ground rent in said town, annually, a special tax sufficient to pay all the interest accruing on said bonds which the rents and revenues derived from said Water **Special tax** **Levy of**

OF CITIES AND TOWNS.

Works and Light Plant may be inadequate to meet; Provided, that this special tax shall not exceed Fifteen hundred dollars (\$1500) in any one year. The said Town Council of Georgetown are further authorized and empowered at their discretion to levy a further special tax upon the said real estate and leasehold estates or houses on ground rent in said town, annually, for the purpose of establishing a fund adequate to the redemption, at or before maturity, as prescribed in this Act, of all the bonds which may be issued under the provisions of this Act; Provided, that the amount to be raised for the purpose of establishing said sinking fund for the redemption of said bonds shall not exceed the sum of Fifteen hundred dollars (\$1,500) in any one year. The special taxes provided for in this Section shall be collected from the owners of real estate and leasehold estate or houses upon ground rent in the same manner as the other taxes levied by the said Town Council of Georgetown are collected. The sinking fund provided for by this Act shall be deposited in the Farmers' Bank of the State of Delaware at Georgetown or may be invested by the Town Council of Georgetown, until such time as it may be needed for the redemption of the bonds, on such security as the Board of Light and Water Commissioners may by resolution approve of.

Collection of
tax

Treasurer, ad-
ditional bond
of

The Treasurer of the town shall give additional bond, with sufficient surety, for such sum as the Town Council of Georgetown may determine and approve.

Special elec-
tion to ratify
provisions of
this Act

Section 4. That before the provisions of this Act shall go into effect the sum or sums of money proposed to be borrowed or raised under this Act shall be submitted to a vote of the freeholders and ground rent leaseholders of the town and be approved by a majority of the votes cast at a special election which the said Town Council of Georgetown is hereby authorized to call at such time as it shall deem necessary, but in case the proposal to borrow the aforesaid sum of money shall not be approved by the majority of the votes cast at such special election, the Town Council shall, on the application of twenty resident freeholders of said town, call another election, provided four months shall have elapsed since any preceding election for the purpose was held, and at every such election each freeholder and ground rent leaseholder within the town of Georgetown being a resident thereof shall have a right to cast one vote for every dollar and fractional part of a dollar of tax assessed to him or her respec-

Voters

Qualifica-
tions of

OF CITIES AND TOWNS.

tively; and both male and female shall have a right to vote, in person or by proxy, as they may prefer; Provided, that he or she shall have paid all taxes heretofore levied and assessed against him or her and producing a tax receipt for the same when demanded by any person entitled to vote at said election. Notice of such election shall be given by the Secretary of said Town Council of Georgetown, by public notice, posted in at least ten public places in the town of Georgetown, at least ten days before the time of such election.

Section 5. That the faith of the said town of Georgetown is hereby pledged for the payment of the bonds authorized to be issued under the Act.

Section 6. That this shall be deemed and taken to be a public Act and shall be published as such.

Approved March 14, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 190.

OF CITIES AND TOWNS.

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF GEORGETOWN TO LEVY A SPECIAL TAX FOR THE SUPPORT OF THE WATER WORKS AND LIGHT PLANT OF THE TOWN OF GEORGETOWN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

To levy
special tax
for water
works and
light plant

Section 1. That the Town Council of Georgetown are authorized and required to levy upon all the assessable real and leasehold estates or houses upon ground rent within the limits of the said town of Georgetown, annually, a tax sufficient to pay all the expense of properly keeping up and operating the Water Works and Light Plant of said town which the rents and revenues derived from said Water Works and Light Plant may be inadequate to meet: Provided, that this special tax shall not exceed the sum of One thousand dollars in any one year.

Section 2. The Special tax provided for in this Act shall be collected from the owners of real and leasehold estates and houses on ground rent in the same manner as the other taxes levied by the said Town Council of Georgetown are collected.

Approved March 14, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 191.

OF CITIES AND TOWNS.

AN ACT AUTHORIZING AND APPOINTING A BOARD OF LIGHT AND WATER COMMISSIONERS FOR THE TOWN OF GEORGETOWN, WHICH SHALL ESTABLISH, CONTROL AND REGULATE A LIGHT PLANT AND WATER WORKS FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That William W. Rawlins, Joseph T. Adams, William J. Thoroughgood, Thomas Robinson, Wilbur F. Tunnell and Charles L. Moore, freeholders of the town of Georgetown, shall constitute a Board of Light and Water Commissioners, whose duty it shall be to establish, control and regulate a light plant (electric or of some other illuminating agency) and water works for the town of Georgetown. William W. Rawlins and Joseph T. Adams to serve until the first Saturday in March, 1903, and until their successors are elected; William J. Thoroughgood and Thomas Robinson to serve until the first Saturday in March, 1905, and until their successors are elected, and Wilbur F. Tunnell and Charles L. Moore to serve until the first Saturday in March, 1907, and until their successors are elected; and on the first Saturday of March biennially thereafter successors to the members of the Board of Light and Water Commissioners whose terms of office shall then expire shall be chosen by the voters of the said town, qualified as hereinafter provided, to serve for the term of two years; that is to say, until the annual election two years thereafter, and until their successors shall be elected. At each of said biennial elections the voters of the town, qualified as aforesaid, shall in like manner elect a member or members of the said Board of Light and Water Commissioners to serve for the unexpired term or terms of any member or members whose office shall have been rendered vacant in any manner whatsoever. No person shall be elected or act as a member of the said Board

*Constitution
of Board of
Light and
Water Com-
missioners.*

*Members of
Terms of*

Election

OF CITIES AND TOWNS.

**Qualification
of voters**

of Light and Water Commissioners who is not a freeholder of the town. At the election of members of the said Board of Light and Water Commissioners every male citizen of the town who has paid his town taxes for the two years preceding such election shall be entitled to one vote and each resident freeholder shall in addition be entitled to one vote for every dollar and fractional part of a dollar of town tax assessed upon his or her real estate. Both male and female freeholders, qualified as aforesaid, shall be entitled to vote. A plurality of votes shall elect. The said election shall be held, certified to and recorded in the same manner as the election of the Alderman of said town. In the event of a vacancy in the office of a member of the Board of Light and Water Commissioners, the Town Council of Georgetown shall appoint some freeholder of the town to fill such vacancy until the next annual election of members of the Board of Light and Water Commissioners. No appointment of members of the Board of Light and Water Commissioners to fill a vacancy shall be made by the Town Council from their own number; but no freeholder shall be disqualified for election as a member of said Board at any biennial election, by reason of holding the office of Town Councilman.

Organization

Section 2. The said Board of Light and Water Commissioners shall within one week after their appointment and annually thereafter, and within one week after their election, organize by the election of a President, Secretary and Treasurer, to serve for two years and until their successors are chosen. The President shall be chosen from among the members of said Board, but the Secretary and Treasurer may or may not be members of said Board. No member of the Board shall receive any pay or emolument or be allowed any compensation for his services, except the Secretary and Treasurer, who, whether they be chosen from among the members of the Board or otherwise, shall receive such compensation as the Board may allow. It

Duties of officers

shall be the duty of the President of the Board of Light and Water Commissioners to sign all orders on the Treasurer for all bills and expenses contracted for and approved by said Board, for the construction, management and operating said Light Plant and Water Works, and to sign all contracts and notices. It shall be the duty of the Secretary to keep an accurate record of all the business transacted by the said Board, and to attest all orders on the Treasurer and other papers signed by the President. It

OF CITIES AND TOWNS.

shall be the duty of the Treasurer to have the custody of all money arising from the sale of bonds which the Town Council of Georgetown are or may hereafter be authorized to place in the hands of the said Board of Light and Water Commissioners for negotiation and delivery. He shall also have the custody of all money derived from water rents and lighting and all other revenues of the said Board. He shall keep an accurate account of all money received and disbursed by him, and annually make a full report of the same to the Town Council of Georgetown, which report shall be audited by the same auditors as are appointed to audit the accounts of the town. The said auditors shall have free access to all the books, papers and vouchers of said Treasurer, for the purpose of auditing the said report, and shall publish the said report, together with their report thereon, in a newspaper printed in the County. Each of the auditors shall receive as compensation for his services the sum of Two dollars, which, together with the costs of publishing the report, shall be paid out of the funds of the town. At the expiration of his term, the Treasurer shall turn over all money, books and papers belonging to his office to his successor. He shall give bond to the Town Council of Georgetown for the faithful performance of his duties in such sum and with such surety as the said Board of Light and Water Commissioners may require and approve.

Section 3 The said Board of Light and Water Commissioners is hereby authorized and empowered to do all things necessary for the location, erection, construction, equipment and operating said Water Works and Light Plant for furnishing the said town of Georgetown with an ample supply of water and light as aforesaid and to purchase hose and hose carriages and such other instruments and machines for use in the suppression of fires as to the said Board may seem expedient, and to provide for the care and maintenance of the same and to purchase engines, boilers, poles, and wires and all such instruments and machines as may be necessary for the purpose of establishing a light plant (electric or of some other illuminating agency) to light the streets of said town and for furnishing the citizens and inhabitants with illumination for private use, and to effect this object shall have power to lay pipes and to erect wires above, under or along any of the streets, lanes or alleys of said town or any roads adjacent thereto; and whenever the said Board of Light and Water Commissioners shall deem it necessary or expedient to acquire lands for any pur-

Powers and
duties of
Board

OF CITIES AND TOWNS.

pose connected with said light and water supply and such lands cannot be acquired by agreement between the owner or owners thereof and the said Board of Light and Water Commissioners the said Board shall direct its Secretary to notify the Town Council of Georgetown and thereupon the said Town Council of Georgetown shall take such lands for the purpose aforesaid in the same manner and subject to the same conditions and proceedings as are or shall be provided by law for condemning and taking lands for the purpose of laying out and opening new streets in said town of Georgetown. No petition or application of citizens shall be necessary, but the notice as aforesaid from the Secretary of the Board of Light and Water Commissioners shall be ample authority to the said Town Council to proceed as herein provided. The said Board of Light and Water Commissioners shall grant to all persons whomsoever the privilege of using the light and water conveyed and distributed by said Board in said town in such a manner and on such terms and conditions as to the said Board may seem just and proper, and shall pass and adopt such rules and regulations touching the said Light and Water, its distribution through the said town and the streets thereof, the regulation of the use of water in case of fire and the general management and control of the Light and Water supply as to the said Board shall seem most expedient.

**Application
of Revenue**

Section 5. That the said Board of Light and Water Commissioners shall apply all the water rents and other revenues which may be derived from the water works and the revenues from light, provided for by this Act, to paying the expenses of properly keeping up and operating said water works and light plant and shall pay over the surplus, if any remains, to the Town Council of Georgetown semi-annually on or before the twentieth day of June and the twentieth day of December in each and every year, to be used for the payment of interest and for the redemption of any bonds which the Town Council may be authorized by law to issue for the purpose of establishing the said Light Plant and Water Works; and if at any time the revenue shall be insufficient for conducting and operating the said Light Plant and Water Works, before the same shall become self-sustaining, then the Board of Light and Water Commissioners shall have authority and are hereby empowered to draft upon the said Town Council of Georgetown to meet such deficiency and the said Town Council shall honor the same out of any special fund authorized by law to be collected by taxation for that purpose.

OF CITIES AND TOWNS.

The Town Council of Georgetown shall pay monthly out of the general fund of the town to the said Board of Light and Water Commissioners for the purpose of street illumination and protection against fire such sum as the said Board of Light and Water Commissioners may prescribe, provided that the amount so paid for street illumination and protection against fire shall not exceed in any one year the sum of Two thousand (\$2000.00) dollars.

Section 6. That any person or persons designedly or negligently injuring the said Water Works, or any part thereof or obstructing the passage of water or in any manner polluting the water required for said water works at its source or any point below such source or shall designedly or negligently injure the machinery, apparatus, appliances, poles, wires or lamps of the Light Plant, shall for every such offense forfeit and pay to the Town Council of Georgetown a fine not exceeding One hundred dollars, to be recovered by said Town Council of Georgetown before the Mayor of said town or any Justice of the Peace residing in Sussex County. The Town Council of Georgetown shall have power to impose fines and penalties for the violation of the rules and regulations of the Board of Light and Water Commissioners or any ordinances made by the Town Council of Georgetown touching the protection of the said Light Plant and Water Works.

Injury or obstruction of works, &c

Penalty

Section 7. The said Board of Light and Water Commissioners is authorized to engage the services of a practical engineer and such agents and servants as the said Board may deem proper and necessary for the work herein devolved upon it.

Approved March 14, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 192.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 765, VOLUME 19, OF THE LAWS OF DELAWARE, ENTITLED "AN ACT TO RE INCORPORATE THE TOWN OF GEORGETOWN," (CURTAILING THE LIMITS, CHANGING THE CORPORATE TITLE AND INCREASING THE APPROPRIATION FROM THE LEVY COURT.)

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

Reduction of
town limits

Section 1. That Chapter 765, Volume 19, of the Laws of the State of Delaware, entitled "An Act to re-incorporate the Town of Georgetown," be and the same is hereby amended by striking out the words "three quarters" in line 2 of Section 1 of said Act and inserting in lieu thereof the words "one half."

Change of Ti-
Corporate
title.

Section 2. Be it further enacted, that Chapter 765, as afore-said be amended in the manner following: That the "corporate title" "Commissioners of Georgetown," occurring in the ninth line of Section 3, be and the same is hereby stricken out, and in lieu thereof and wherever the said words "Commissioners of Georgetown" appear in said Chapter 765, Volume 19, Laws of Delaware or the amendments thereto the words "Town Council of Georgetown" be inserted.

Levy Court to
appropriate
\$750.

Section 3. That Section 6 in line 33, be and the same is hereby amended by striking out the word "four" and inserting in lieu thereof the word "seven."

Section 4. That nothing herein contained shall be construed to amend or modify the said Act entitled "An Act to incorporate the "Town of Georgetown" or the amendments thereto, except so far as the provisions thereof are inconsistent with this Act.

Approved March 14, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 193.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 487 OF VOLUME 16, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF MILTON," BY INCREASING THE APPROPRIATION BY THE LEVY COURT FOR REPAIRS OF ROADS AND STREETS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein) :

Section 1. That Chapter 487 of Volume 16, Laws of Delaware, entitled "An Act to re-incorporate the town of Milton," be ^{Levy Court} ~~be~~ ^{to appropriate} ~~\$500.~~ and the same is hereby amended by striking out the word "four" between the words "than" and "hundred" in the twentieth line of the sixth section of said Chapter and inserting in lieu thereof the word "five."

Approved March 15, A. D. 1901.

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CHAPTER 194.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 487 OF VOLUME 16, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF MILTON" BY CHANGING PLACE OF HOLDING TOWN ELECTIONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein):

Change of
election place

Section 1. That Chapter 487 of Volume 16, Laws of Delaware, entitled "An Act to re-incorporate the town of Milton," be and the same is hereby amended by striking out the words "old academy" in the twenty-fifth line of Section 2 thereof and inserting in lieu thereof the words "Mayor's office."

Approved March 9, A. D. 1901.

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CHAPTER 195.

OF CITIES AND TOWNS.

AN ACT TO REPEAL SO MUCH OF CHAPTER 545 OF VOLUME 20 OF THE LAWS OF DELAWARE, AS AUTHORIZED THE COMMISSIONERS OF LEWES TO BOND THE TOWN OF LEWES, BEING SECTIONS 1, 2, 3, 4, 5, 6 AND 7 OF SAID CHAPTER.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein) :

Section 1. That so much of Chapter 545 of Volume 20 of the Laws of Delaware, as authorized the Commissioners of Lewes to bond the town of Lewes, being Sections 1, 2, 3, 4, 5, 6, and 7 of said Chapter, is hereby repealed. Former power to bond town revoked

Approved March 28, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 196.

OF CITIES AND TOWNS.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES, WHICH SHALL ESTABLISH, CONTROL AND REGULATE AN ELECTRIC LIGHT PLANT, WATER WORKS AND A SEWER SYSTEM FOR SAID TOWN ; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring herein) :

Commission-
ers to appoint
Board of Pub-
lic Works.
Authorized to
establish elec-
tric light
plant, &c

Qualification
and term of
office of mem-
bers of Board

Annual elec-
tion of

Section 1. That the Commissioners of Lewes are authorized and directed, within sixty days after the approval of this Act by the Governor, to appoint five substantial freeholders of the town of Lewes who shall constitute a Board of Public Works, whose duty it shall be to establish, control and regulate an Electric Light Plant, Water Works and a Sewer System for the town of Lewes. Two of said freeholders shall be appointed to serve until the first Saturday in April, 1902, and until their successors are elected, and three of said freeholders shall be appointed to serve until the first Saturday in April, 1903, and until their successors are elected. On the first Saturday in April, 1902, and on the first Saturday in April annually thereafter successors to the members of the Board of Public Works whose terms of office shall then expire shall be chosen by the voters of the said town, qualified as hereinafter provided, to serve for the term of two years; that is to say, until the annual election two years thereafter, and until their successors shall be elected. At each of said annual elections the voters of the town, qualified as aforesaid, shall in like manner elect a member or members of the said Board of Public Works to serve for the unexpired term or terms of any member or members whose office shall have been rendered vacant in any manner whatsoever. No person shall be elected or act as a member of the said Board of Public Works who is not a substantial freeholder of the town. At the election of members of

OF CITIES AND TOWNS.

the said Board of Public Works every male citizen of the town who has paid his town taxes for the two years preceding such election shall be entitled to one vote, and each resident freeholder shall in addition be entitled to one vote for every dollar and fractional part of a dollar of town tax assessed upon his or her real estate. Both male and female freeholders, qualified as aforesaid, shall be entitled to vote. A Plurality of votes shall elect. The said election shall be called by the Commissioners of Lewes and shall be held, certified to and recorded in the same manner as the election of the Mayor of said town. In the event of a vacancy in the office of a member of the Board of Public Works, the Commissioners of Lewes shall appoint some substantial freeholder of the town to fill such vacancy until the next annual election of members of the Board of Public Works. No appointment of members of the Board of Public Works, either originally or to fill vacancies, shall be made by the Commissioners from their own number; but no freeholder shall be disqualified for election as a member of said Board at any annual election by reason of holding the office of Commissioner.

Qualification
of voters.

Vacancies

Section 2. The said Board of Public Works shall within one week after their appointment and annually thereafter within one week after their election, organize by the election of a President, Secretary and Treasurer, to serve for one year and until their successors are chosen. The President shall be chosen from among the members of said Board, but the Secretary and Treasurer may or may not be members of said Board. No member of the Board shall receive any pay or emolument, or be allowed any compensation for his services, except the Secretary and Treasurer, who, whether they be chosen from among the members of the Board or otherwise, shall receive such compensation as the said Board may allow. It shall be the duty of the President of the Board of Public Works to sign all orders on the Treasurer for all bills and expenses contracted for and approved by said Board for the construction, management and operating said Electric Light Plant, Water Works and Sewer System; and to sign all contracts and notices. It shall be the duty of the Secretary to keep an accurate record of all the business transacted by the said Board, and to attest all orders on the Treasurer and other papers signed by the President. It shall be the duty of the Treasurer to have the custody of all money arising from the sale of bonds which the Commissioners of Lewes are or may hereafter be au-

Organization

Duties of officers

OF CITIES AND TOWNS.

thorized to place in the hands of the said Board of Public Works for negotiation and delivery. He shall also have the custody of all money derived from water rents and electric lighting and all other revenues of the said Board. He shall keep an accurate account of all money received and disbursed by him, and annually make a full report of the same to the Commissioners of Lewes, which report shall be audited by the same auditors as are appointed to audit the account of the town. The said auditors shall have free access to all the books, papers and vouchers of said Treasurer, for the purpose of auditing the said report, and shall publish the said report, together with their report thereon, in a newspaper printed in the County. Each of the auditors shall receive as compensation for his services the sum of Two dollars, which, together with the costs of publishing the report, shall be paid out of the funds of the town.

At the expiration of his term, the Treasurer shall turn over all money, books and papers belonging to his office to his successor. He shall give bond to the Commissioners of Lewes for the faithful performance of his duty in such sum and with such surety as the said Board of Public Works may require and as the said Commissioners may approve.

Powers

Section 3. The said Board of Public Works is hereby authorized and empowered to do all things necessary for the location, erection, construction, equipment and operating said Water Works and Electric Light Plant, for furnishing the said town of Lewes with an ample supply of water and light, as aforesaid, and to purchase hose and hose carriages, and such other instruments and machines for use in the suppression of fires as to said Board may seem expedient, and to provide for the care and maintenance of the same, and to purchase engines, boilers, poles, and wires, and all such instruments and machines as may be necessary for the purpose of establishing an electric light plant to light the streets of said town and for furnishing the citizens and inhabitants with electric illumination for private use, and to effect this object shall have power to lay pipes and to erect wires above, under, or along any of the streets, lanes, or alleys of said town, or any roads adjacent thereto; and whenever the said Board of Public Works shall deem it necessary or expedient to acquire lands for any purpose connected with said light and water supply, and such lands cannot be acquired by agreement between the owner or owners thereof and the said Board of Public Works, the said

OF CITIES AND TOWNS.

Board shall direct its Secretary to notify the Commissioners of Lewes, and thereupon the said Commissioners of Lewes shall take such lands for the purpose aforesaid in the same manner and subject to the same conditions and proceedings as are or shall be provided by law for condemning and taking lands for the purpose of laying out and opening new streets in said town of Lewes. No petition or application of citizens shall be necessary, but the notice as aforesaid from the Secretary of the Board of Public Works shall be ample authority to the said Commissioners to proceed as herein provided. The said Board of Public Works shall grant to all persons whomsoever the privilege of using the light and water conveyed and distributed by said Board in said town in such a manner and on such terms and conditions as to the said Board may seem just and proper, and shall pass and adopt such rules and regulations touching the said light and water, its distribution through the said town and the streets thereof, the regulations of the use of water in case of fire, and the general management and control of the light and water supply as to the said Board shall at any time seem most expedient.

Section 4. The said Board of Public Works shall have the supervision and control of all the public sewers and drains within the limits of the town, and may alter, repair or remove the same, and may cause new drains and sewers to be made and opened. The said Board may cause such sewer or drain pipes to be laid in any of the streets, lanes or alleys of the said town in such manner and of such material as it, the said Board, may deem proper, and may make proper outlets for the same into the Lewes River or Creek, and for the purpose of improving the sewerage and drainage of the town may enter upon and deepen any part of the channel of said Lewes River or Creek. The said Board shall make rules regulating the tapping of public sewers by the owners of abutting lands and shall provide for the granting of permits for the same and for the payment of such tapping fees as the said Board may deem proper, and it shall prescribe the material of all private drains or sewers which shall hereafter enter into any public sewer, and shall direct the manner in which they shall be laid.

Additional powers

Section 5. That the said Board of Public Works shall apply all the water rents and other revenues which may be derived from the water works, and the revenues from light, provided for by this Act, to paying the expenses of properly keeping up and opera-

Application of revenues

OF CITIES AND TOWNS.

ting said works, lights and sewer system, and shall pay over the surplus, if any remains, to the Commissioners of Lewes, semi-annually on or before the twentieth day of June and the twentieth day of December in each and every year to be used for the payment of interest and for the redemption of any bonds, which the Commissioners may be authorized by law to issue for the purpose of establishing the said electric light plant, water works, and sewer system; and if at any time the revenues shall be insufficient for conducting and operating the said light plant, water works and sewer system, before the same shall become self-sustaining, then the said Board of Public Works shall have authority and are hereby empowered to draft upon the said Commissioners of Lewes to meet such deficiency, and the said Commissioners shall honor the same out of any special fund authorized by law to be collected by taxation for that purpose.

The Commissioners of Lewes shall pay monthly out of the general fund of the town to the said Board of Public Works for the purpose of street illumination and protection against fire such sum as the said Board of Public Works may prescribe, provided that the amount so paid for street illumination and protection against fire shall not exceed in any one year the sum of twenty-five hundred dollars.

Injury or obstruction of works

Section 6. That any person or persons designedly or negligently injuring the said Water Works, or any part thereof, or obstructing the passage of water to or from the same, or in any manner polluting the water required for said Water Works, at its source or at any point below such source, or who shall designedly or negligently injure the machinery, apparatus, appliances, poles, wires or lamps of the Electric Plant, shall, for every such offense forfeit and pay to the Commissioners of Lewes a fine not exceeding one hundred dollars, to be recovered by said Commissioners of Lewes before the Mayor of said town, or any Justice of the Peace residing in Sussex County. The Commissioners of Lewes shall have power to impose fines and penalties for the violation of the rules and regulations of the Board of Public Works, or any ordinances made by the Commissioners of Lewes touching the protection of the said Light Plant, Water Works and Sewer System.

Penalty

Engineer

Section 7. The said Board of Public Works is authorized to engage the services of a practical engineer and such agents and

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servants as the said Board may deem proper and necessary for the work herein devolved upon it.

Approved March 15, A. D. 1901.

CHAPTER 197.

OF CITIES AND TOWNS.

AN ACT AUTHORIZING THE COMMISSIONERS OF LEWES TO BORROW MONEY AND ISSUE BONDS TO SECURE THE PAYMENT THEREOF, FOR THE PURPOSE OF PROVIDING A SUPPLY OF WATER, ELECTRIC LIGHTS AND A SEWERAGE SYSTEM FOR THE TOWN OF LEWES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch concurring therein) :

Section 1. That the Commissioners of Lewes be and are hereby authorized, empowered and directed to borrow, on the credit of the Town of Lewes, a sum of money not exceeding fifty thousand dollars (\$50,000), which shall be applied, appropriated and expended for the purpose of erecting Water Works, and furnishing the said town with an ample supply of pure water for domestic purposes and for the protection of the said town against fire, providing a Sewer System, and establishing a proper Electric Light Plant, by purchase or otherwise, sufficient to properly light said town and furnish light for private use.

That the said Commissioners of Lewes, for the purpose of carrying into effect the provisions of this Act, shall have power and authority, and are hereby directed to issue bonds of the town of Lewes of such denominations as they shall deem best, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually on the first days of July and January, respec-

Commissioners authorized to borrow money for water works, &c

Bonds Denomination and payment of

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tively, in each year at such bank or trust company as the Commissioners shall designate. The principal of such bonds shall be made payable in forty years from the date of the issue thereof, the said Commissioners of Lewes reserving the power and authority of redeeming said bonds or any part of them at the expiration of twenty years from the date of the issue of the same; provided, however, that if the said Commissioners of Lewes elect to redeem any of said bonds at the expiration of twenty years, as aforesaid, such election shall be effected on the first days of July and January, and in pursuance of a notice to that effect published by the said Commissioners of Lewes in at least four issues of two newspapers, one published in the City of Wilmington and one in Sussex County. In calling said bonds for redemption and payment they shall be called consecutively, commencing with the lowest number; the interest on all said bonds so called shall cease from the date of the redemption thereof and said bonds when paid shall be cancelled.

If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the Commissioners of Lewes may, if they deem it expedient, redeem and pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

Printing and
form of bonds

Section 2. That the Commissioners of Lewes shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the Mayor of Lewes and countersigned by the Secretary of the said Commissioners, and shall be sealed with the corporate seal of said Commissioners, and be exempt from all State, County and Municipal taxation. As the said bonds and coupons thereon are paid the same shall be cancelled in such manner as the said Commissioners shall direct, and it is further provided that the said Commissioners of Lewes shall place the bonds in the hands of the Board of Public Works of said town of Lewes, who shall negotiate the (seal) and delivery of the same, and the moneys, the proceeds of the sale of said bonds, shall be deposited with the Treasurer of the said Board of Public Works to be used for the purpose of carrying into effect the provisions of this Act.

Special tax
for

Section 3. That the Commissioners of Lewes are author-

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ized and required to levy upon all the assessable real estate and the improvements upon public lands within the limits of or vested in said town, annually, a special tax sufficient to pay all the interest accruing on said bonds, which the rents and revenues derived from said Water Works and Electric Light Plant may be inadequate to meet; provided that this special tax shall not exceed two thousand dollars (\$2000) in any one year.

The said Commissioners of Lewes are further authorized and empowered at their discretion to levy a further special tax ^{Additional special tax} upon the said real estate and improvements upon public lands, annually, for the purpose of establishing a sinking fund adequate to the redemption, at or before maturity, as prescribed in this Act of all the bonds which may be issued under the provisions of this Act; provided that the amount to be raised for the purpose of shall not exceed the sum of one thousand dollars (\$1000) in any one year. The special taxes provided for in this Section shall be collected from the owners of real estate and improvements on public lands in the same manner as the other taxes levied by the said Commissioners of Lewes are collected. The sinking fund provided for by this Act shall be deposited in a bank or trust company in Sussex County, or may be invested by the Commissioners of Lewes, until such time as it may be needed for the redemption of the bonds, on such surety as the Board of Public Works may by resolution approve of. The Treasurer of the town shall give additional bond, with sufficient surety, for such sum as the Commissioners of Lewes may determine and approve.

Section 4. That before the provisions of this Act shall go into effect the borrowing of a sum of money not exceeding fifty thousand dollars (\$50,000) as aforesaid shall be submitted to and approved by a majority of the votes cast at a special election which the said Commissioners of Lewes are hereby authorized and directed to call within thirty days after the approval of this Act by the Governor. At such special election every male citizen of the town who has paid his town taxes for the two years preceding such election shall be entitled to one vote, and each resident freeholder shall in addition be entitled to one vote for every dollar and fractional part of a dollar of town tax assessed upon his or her real estate. Both male and female voters, qualified as aforesaid, shall be entitled to vote. The said election shall be called by the Commissioners of Lewes and shall be held, certified ^{Provisions of this Act to be approved by voters at special election.} ^{Voters.}

OF CITIES AND TOWNS.

to and recorded in the same manner as the election of the Mayor of said town. If the borrowing of the said sum of money shall not be approved by a majority of the said votes at said special election, the said Commissioners of Lewes are authorized and directed to call another special election not less than ninety days or more than four months thereafter to be held in like manner and for the same purpose. If at the second special election the borrowing of the said sum of money shall not be approved by a majority of the said votes, then the said Commissioners of Lewes are authorized and directed to submit the question to the voters, qualified as aforesaid, at the annual election for Mayor in 1902.

Section 5. That the faith of the said town of Lewes is hereby pledged for the payment of the bonds authorized to be issued under this Act.

Approved March 15, A. D. 1901.

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CHAPTER 198.

OF CITIES AND TOWNS.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO LEVY A SPECIAL TAX FOR THE SUPPORT OF THE WATER WORKS, ELECTRIC LIGHT PLANT, AND SEWER SYSTEM OF THE TOWN OF LEWES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein) :

Section 1. That the Commissioners of Lewes are authorized and required to levy upon all the assessable real estate and the improvements upon public lands within the limits of the town of Lewes or vested in said town, annually, a special tax sufficient to pay all the expenses of properly keeping up and operating the Water Works, Electric Light Plant, and Sewer System of said town which the rents and revenues derived from said Water Works and Electric Light Plant may be inadequate to meet; provided that this special tax shall not exceed the sum of one thousand dollars in any one year.

Section 2. The special tax provided for in this Act shall be collected from the owners of real estate and improvements on public lands in the same manner as the other taxes levied by the said Commissioners of Lewes are collected.

Approved March 7, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 199.

OF CITIES AND TOWNS.

AN ACT TO RE-INCORPORATE THE TOWN OF LEWES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring):

Corporate
limits

Section 1. That the limits and bounds of Lewes shall be as follows: Beginning at a point on the Bay shore opposite Canary Creek, thence crossing the beach until it reaches the mouth of Canary Creek, thence following Canary Creek until it intersects a line drawn from Greenhill Light House to a point on the south-west side of Block House Pond and Market Street, thence following said line to northwest side of Market Street, thence following said Market Street until it strikes a division line between the lands of Sarah C. Wright and Eliza Metcalf, thence following said division line to South Street, thence running the same course between the lands of Dr. H. R. Burton and Virginia L. Mustard across King Street to a point in George Robinson's field about five hundred feet from King Street; thence in an easterly direction until it strikes the division line between the lands of Robert Arnell and Dr. David Hall; thence following said course until it strikes a ditch through Miss McIlvaine's land following said ditch to Lewes Creek; thence following said Creek in a southeasterly direction until it strikes the former corporation line; thence following said line to the Bay shore; thence following the low water mark along said Bay shore to the place of the beginning.

To make plot,
&c

The Board of Commissioners of Lewes may, at any time, hereafter, cause a survey and plot to be made of the said town, and the said plot, when so made, and approved by the said Board of Commissioners, shall be recorded in the office of the Recorder of Deeds in and for Sussex County, and shall be evidence in all courts of law and equity in the State.

OF CITIES AND TOWNS.

Section 2. That the Mayor, Commissioners, Assessor and Treasurer elected at the last election, the first Saturday in January, last past, be continued in office for the terms for which they were elected respectively, and that James T. Thompson, the Mayor-elect, be invested and clothed, from and after the passage of this Act with all the rights, duties and powers of Mayor as provided elsewhere in this Act.

Continuance
of existing of-
ficials

That an election shall be held in Lewes, Sussex County, on the first Saturday of January next at the Town Hall or Engine House, from one o'clock to three in the afternoon, and thereafter on the first Saturday of every January at such time and place as shall be determined by the Board of Commissioners, due notice whereof shall be given by the said Board of Commissioners at least five days before said subsequent election for a Mayor, two Commissioners, and an Assessor and Treasurer. The said Mayor and Commissioners and the Assessor and Treasurer shall be residents of and freeholders in said town. The Mayor, Assessor and Treasurer shall be elected annually by a plurality of the votes cast at any such town election. The Mayor, Assessor and Treasurer shall be elected from any of the four school districts hereinafter named and the eligibility in the cases of said Mayor, Assessor and Treasurer shall be dependent upon their citizenship and freeholdership respectively, and not from the location of their residence in said town. The Mayor shall be a member of the Board of Commissioners and President of the same and be entitled to all the rights, functions, privileges, liberties and vote the same as any of the other four Commissioners hereinafter described. One Commissioner shall be chosen by the qualified voters of School District No. 14 to serve for a term of two years and until his successor shall be elected; and one Commissioner shall be chosen by the qualified voters of School District No. 112 to serve for a term of two years and until his successor shall be elected; and on the first Saturday of January, A. D. 1903, another election shall be held in Lewes, Sussex County, at the Town Hall or Engine House from one o'clock to three in the afternoon, or at such time and place as shall be determined by the Board of Commissioners, due notice whereof shall be given by the said Board of Commissioners at least five days before said subsequent election for a Mayor, two Commissioners and an Assessor and Treasurer. One of the said Commissioners shall be chosen by the qualified voters of School District No. 15 to serve for a term

Annual elec-
tions

Terms and
qualification
of Commis-
sioners

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of two years and until his successor shall be elected; one Commissioner shall be chosen by the qualified voters of School District No. 110 to serve for a term of two years and until his successor shall be elected; and on the first Saturday of January annually thereafter successors to the Commissioners whose terms of office shall then expire shall be chosen by the qualified voters of their respective districts to serve for the term of two years and until their successors shall be elected. At each annual election the qualified voters of their respective districts shall in like manner elect a member or members of the Board of Commissioners to serve for the unexpired term or terms of any member or members of the Board of Commissioners whose office shall have been rendered vacant, in any manner whatsoever. Each member of the Board of Commissioners shall be, at the time of his election and during his term of office a resident of the school district for which he is chosen; and the removal from his district during his term shall, ipso facto, vacate his office. In the event of a vacancy in the office of Mayor, Board of Commissioners, Assessor or Treasurer, a majority of the Board of Commissioners for the time being shall appoint some freeholder of the town to fill such vacancy until the annual election; and the qualifications and eligibility of said appointed Mayor, Member of the Board of Commissioners, Assessor or Treasurer as to residence shall be the same as in the case of an election. The votes of said annual election shall be received by the State's Justice of the Peace in said town or by the Mayor as the Board of Commissioners shall choose, and the result of the balloting shall be ascertained by himself and two citizens of said town selected by him to assist in holding said election. At such election every male citizen of said town who shall have attained the age of twenty-one years and is a taxable of said town and who shall have paid all town taxes levied against him shall have the right to vote. The Justice of the Peace or the Mayor and the two citizens aforesaid shall be the Judges of the Election and shall decide on the legality of the votes offered. Immediately after the election is closed the votes shall be read and counted and the person having the plurality of votes shall be declared elected. In the case of a tie of the persons voted for under this Act the Justice of the Peace or the Mayor shall give the casting vote. Immediately after such election the person or persons under whose superintendence the election is held shall enter in a book to be provided for that purpose a minute of such election, containing the names of the persons

Qualification
of voters

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chosen Mayor, Commissioners, Assessor and Treasurer and subscribe to the same, and shall give to the Mayor, Commissioners, Assessor and Treasurer elect certificates of their election.

The book containing such minutes shall be preserved by the members of the Board of Commissioners and shall be evidence. Book of minutes

Section 3. That the present Commissioners and the ones to be elected as hereinbefore prescribed and their successors in office, shall be and they are hereby created a body politic and corporate in law and equity, and the said Commissioners of Lewes, and their successors, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of judicature whatsoever in this State by the corporate name of "Commissioners of Lewes," and may have and use a common seal with device or devices as they shall think proper, with power to alter or change the same as may be deemed expedient, to purchase, take, hold, receive and enjoy any messuage, lands, tenements, or hereditaments, in fee simple, or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they may deem expedient; provided, nevertheless, that there is hereby reserved to the Legislature the power and authority to repeal this Act, or any part thereof, or any other law which may hereafter be enacted respecting the said town. created a corporate body

Section 4. That the person elected Mayor, as aforesaid, of said town shall have, within the limits of said town, all the powers, authority, jurisdiction and cognizance of a Justice of the Peace of and over all breaches of the peace and other offenses within said town, to arrest and to hold to bail, of fine and imprisonment all offenders; and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinances of the Board of Commissioners regularly passed, published and established for the government of the said town; and of and over all neglects, omissions or defaults of the Town Constable or Bailiff, Assessor or Treasurer, or any other person or officer whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this Act Mayor Powers of

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Fees or the rules and regulations for the government of the said town by the persons authorized to adopt the same under this Act. The fees of said Mayor shall be the same as are allowed Justices of the Peace for similar services under the law of this State. It shall be the duty of the Mayor to keep a book of record or docket, to be called the "Mayor's Docket of Lewes," to be provided by the Board of Commissioners, aforesaid, in which all his official acts shall be entered; and he shall, upon the expiration of his term of office, deliver over to his successor all the books, papers, etc., pertaining to his office within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay, for the use of the said town, the sum of ten dollars, to be recovered before the succeeding Mayor or any Justice of the Peace residing in said town.

Oath of office Section 5. That the Mayor, Board of Commissioners, Assessor and Treasurer aforesaid so elected, shall, before one of the Justices of the Peace in the said town be duly qualified by oath or affirmation to perform the duties of their offices respectively to the best of their knowledge and without favor or partiality and after being so qualified the said Board of Commissioners at their first meeting after each election, shall choose a Secretary who may or may not be a member of said Board who shall continue from year to year; and if, by death or otherwise, the place of Secretary shall become vacant, the Board of Commissioners, or a majority of them, at their meeting thereafter are hereby authorized to fill the said vacancy.

Secretary

The officers so appointed as Secretary, if not a member of the Board of Commissioners, shall not have the right of a vote in the deliberations of said Board of Commissioners. All the Board of Commissioners shall act, but the decision of a majority shall govern.

That the President of the Board of Commissioners of Lewes, the Mayor, shall preside at all its meetings, appoint all committees, receive complaints of nuisances, and other complaints of citizens of violation of law and ordinances and to present the same to the Board of Commissioners, aforesaid, at their first meeting for their action. Any such infraction or violation of the law or ordinances as requires immediate action to cause the same to be proceeded on at once.

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It shall be the duty of the Secretary to record all the proceedings of the said Board of Commissioners and keep a correct journal of the same in a book or books provided for the purpose, and also the papers relative to the said town, all of which are to be carefully preserved and delivered to his successor in office. He shall issue and sign all licenses for every exhibition within the town of Lewes, which by Section 1, Chapter 51, of the Revised Code of 1874, a license therefor is required; he shall sign all warrants on the Treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Board of Commissioners aforesaid.

Duty of Secretary

Section 6. That the Board of Commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets, lanes, alleys, squares and gutters in said town to be repaired, supported, regulated, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund, not to exceed fifteen hundred dollars (\$1500) in any one year to be raised by way of tax upon persons authorized to vote for the Board of Commissioners by this Act, and upon all lands and tenements and interests in said lands and tenements within the limits of the said town, to discharge the expenses of repairing the said streets, lanes, alleys, bridges, squares and gutters or for any other purpose that will contribute to the safety, convenience and prosperity of said town.

Board of Commissioners
Powers and duties of

That the Levy Court of Sussex County be and they are hereby directed, in making the appropriation of the sum of the road tax to be paid to the overseers of road annually, to make an order for the payment to the Board of Commissioners of Lewes of the sum of six hundred dollars (\$600), to be by them expended in repairing and maintaining in proper order the roads, streets, lanes, alleys, bridges and squares within the limits of said town; and the said Board of Commissioners shall have the sole supervision of said roads, streets, lanes, alleys, bridges and squares, provided that the said Levy Court shall not make the appropriation of said sum until the Board of Commissioners of Lewes shall have certified that an equal sum has been expended during the preceding year for the purpose aforesaid.

Levy Court to appropriate \$600

That the Board of Commissioners for the time being, or a majority of them, shall have the power, upon the application of

Existing Board to locate streets, etc.

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five or more citizens of said town by petition to them for that purpose to locate, lay out and open any new street or streets, which five or more citizens of said town may desire to be located, laid out and opened or re-opened, allowing to the persons respectively through or over whose grounds such new street or streets or old street or streets may run, such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the Treasurer of the town out of the moneys of said town on warrant drawn on him by the Board of Commissioners aforesaid.

Subsequent
Boards to lo-
cate new
streets

Section 7. That the Board of Commissioners shall have power, upon the application of five citizens of the town, by petition for the purpose, to locate, lay out and open, any new street or streets, lane or lanes, alley or alleys, which five or more citizens may desire to be located, laid out and opened, allowing to the persons respectively through or over whose land such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the Treasurer of the town out of the moneys of said town, upon warrants drawn upon him by order of the Board of Commissioners aforesaid.

That in opening any new street or streets or re-opening any old street or streets, in the straightening or widening or making narrower any street or streets, or in removing nuisances or obstructions this Act shall confer authority on the Commissioners of Lewes to remove any nuisance or obstruction, building or improvement already on the public lands within the limits of said town.

Section 8. And be it further enacted that the Commissioners shall have the right, power and authority upon the presentation of a petition to that effect signed by five or more substantial freeholders of said town to locate or lay out and open street or streets or re-open any old street or streets, to widen or make narrower or straighten any of said streets already opened in said town and to establish the new courses, limits and widths thereof as may be deemed expedient and in the manner and in all respects the same as is provided for and prescribed in one of the sections of this Act in relation to the opening of new streets. And in the event of a decision of the Board of Commissioners to locate or lay out and open any new street or streets any part,

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piece or parcel of land which may be vacated shall revert to the former owner of said land or to those holding under them in fee simple and without any deed, and if for such purpose they shall not be able to contract with the owner or owners of the lands to be applied and appropriated to the public use in the re-opening any old street or streets, straightening, or widening, or reducing the width of any such streets then the proceeding on the part of the said Board of Commissioners to obtain the right thereto for the purposes aforesaid shall be in all respects the same as is provided for and prescribed in one of the Sections of this Act in relation to the opening of new streets.

Section 9. That whenever the Board of Commissioners shall have proceeded to locate and lay out any new street or re-open old street or widen or make narrower or to straighten any of said streets already opened in said town, and shall have fixed the compensation therefor, it shall be their duty immediately, after the survey and location of said street, or re-opening old street, to notify, in writing, the owner or owners of the real estate through or over which such new or old street may run, of their determination to open or change the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner or owners be not a resident within the said town to notify the holder of said real estate, but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises.

Section 10. Whenever the Board of Commissioners shall have determined to locate and lay out, or widen, or straighten any street, lane, or alley, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, lane, or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open and widen or straighten the same, and to furnish a general description of the location thereof, also the amount of the damages or compensation allowed to each, and if such owner be not a resident within the said town to notify the holder or tenant of said real estate; but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If the owner be dissatisfied with the amount of compensation or damages allowed by the Board of Commissioners as aforesaid, he

Compensation.

Notice

Dissatisfaction with compensation

OF CITIES AND TOWNS.

may appeal from the said assessment of compensation or damages by serving written notice to that effect to the President of the said Board of Commissioners. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten days' notice to said President of the Board of Commissioners, make written application to the Associate Judge of the Superior Court, of this State, residing in Sussex County, for the appointment of a Commission to hear and determine the matter in controversy, and thereupon the said Associate Judge shall issue a Commission, under his hand, directed to five freeholders of the said County, three of whom shall be residents of said town of Lewes and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose land said street, lane, or alley shall pass, who shall have notified the said Board of Commissioners of their intention to appeal, may incur by reason thereof, and to make return on their proceedings to the Associate Judge at a time herein appointed. The freeholders named in such Commission, being first sworn or affirmed as in said Commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to said Board of Commissioners, which shall be final and conclusive. The Associate Judge shall have power to fill any vacancy in the Commission. The amount of damages being so ascertained, the Board of Commissioners may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled resides out of or is absent from the town during the said period of one month, then the same may be deposited, to his or her credit, in any bank of the town of Lewes, within said time, and thereupon said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased, the cost of the appeal shall be paid by the Treasurer of the town out of any money in his hands belonging to the town; but if said damages shall not be increased the cost of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by

Appeal

Associate Judge to appoint Commission to determine damages.

Return

Payment of damages

Fees

OF CITIES AND TOWNS.

the freeholders, the Board of Commissioners shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payments of the costs only, may abandon the proposed improvements.

Section 11. And be it further enacted as aforesaid, That all the public and vacant lands lying within the corporate limits of the said town shall, from and after the passage of this Act, be vested in the town of Lewes, and the Commissioners of said town shall have jurisdiction over the same, and are hereby authorized to lease (to persons who will improve or agree to improve the same) such portions of said lands upon such time and terms as they may deem proper for the interest and benefit of said town; and if hereafter any person or persons shall, without the permission and consent of the Commissioners of the said town, build upon or inclose any of the said public lands, he or they shall forfeit such improvements or buildings to the said town; and the said Commissioners may assess a ground rent on persons having buildings now erected on any of the public lands, which shall not exceed two dollars on the one hundred dollars of the assessed value of the said buildings, and may assess any person or persons having inclosed or claiming the use or privilege of any of the said public grounds a tax not exceeding six per cent. of the assessed value of said lot or lots so inclosed or claimed.

The said Commissioners of the town of Lewes are hereby invested with full and exclusive authority and control over the Great and Beach Marshes, Cape and Cape Marshes, near Lewes, and may sell and dispose of the grass and hay thereof in the month of July, in each and every year, at public sale, giving notice by printed advertisements, posted in five of the most public places in Lewes and Rehoboth hundred ten days before the day of sale, to the highest bidder or bidders for the same; the notices shall specify the place when and where the grass or hay will be sold; and are further authorized to sell the wood and timber on the Cape and Cape Marshes at any time that it may be necessary or desired for any improvement made in or near said town by and with the concurrence of a majority of said Commissioners; and the proceeds arising from the sale of the grass, hay, wood and timber shall be paid over to the Treasurer of the town, to be applied by the said Commissioners to such improvements of the town of Lewes as they may deem proper. If any person or persons, without first obtaining permission from the Com-

Vacant lands

Control of
Great and
Beach
marshes, &c.

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Ordinances

missioners, shall fall, cut, cart or convey any green timber or wood, or any timber on or from said Cape for any private use whatsoever, except wood cut from dead timber for fuel, he or they shall forfeit and pay any sum not exceeding fifty dollars, with costs, to be recovered by the Commissioners, for the use of the town, in the same manner as debts of that amount are recoverable; or the said Commissioners may seize any timber or wood so cut from any person or persons so offending, and may dispose of the same to the highest bidder for the use of said town, and may pass any rules, regulations and ordinances regarding the cutting the said timber as they may deem proper for the interest of said town; provided that nothing in this Section or Act shall authorize the said Commissioners to pass any ordinances to prevent any citizen of said town of Lewes or State of Delaware from fishing along said Delaware Bay shore, or from grazing cattle on said Cape, or Beach or Cape Marshes (except that the said Commissioners of Lewes shall have authority to prevent, by ordinance to that effect, cattle or other animals from running at large within certain limits to be specified by said ordinance opposite to and in front of said town and by building fences, providing gates, stiles and crossings as may be necessary for public convenience). All the public or vacant lands contiguous to but outside of the corporate limits of said town and fronting on the Bay, to the extent of one mile along the beach, shall, from and after the passing of this Act, continue to be vested in the town of Lewes, and the Commissioners of said town shall have the same jurisdiction and authority over them, with the same interests in, and rights and powers in relation to them as are now vested in and conferred upon them in regard to all the public and vacant lands lying within the corporate limits of the said town; and if hereafter any person or persons shall, without the permission and consent of the Commissioners of the said town, build upon or inclose any of the said public lands hereinbefore first mentioned and referred to, he or they shall forfeit such buildings and improvements to the said town; and the said Commissioners may assess a ground rent on persons having buildings now erected on any of the public grounds hereinbefore first mentioned and referred to as aforesaid without the sanction and authority of the Legislature, or of any law of this State or the United States, which shall not exceed two dollars on the one hundred dollars of the assessed value of said buildings, and may assess any person or persons having inclosed or claiming the use

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or privilege, without authority as aforesaid, on any of the said public lands hereinbefore first mentioned, a tax not exceeding six per cent. of the assessed value of said lot or lots so inclosed, or claimed by him or them.

Section 12. That the Commissioners of the town of Lewes may assess any person or persons occupying, inclosing or claiming the uses or privileges of any of the public lands (within or without the limits) vested in the town of Lewes by the Legislature and not held under a lease from the Commissioners at a certain rent, a tax not exceeding six per cent. of the assessed actual value of the land so inclosed, occupied or claimed and two per cent. of the actual value of the improvements thereon. A tax upon persons holding such public land under a lease from the said Commissioners at a certain rent may be assessed at the same rate in the present value thereof and the improvements thereon, after deducting the value of the ground at the period of the reservation of the rent which value shall be estimated at one hundred dollars for every six dollars reserved, and so far a greater or less sum of rent. Such parts of Section 9 of the Act entitled "An Act to Incorporate the Town of Lewes, and for other purposes," as amended by Chapter 535 of Volume 14, of the Laws of Delaware, and as republished in Chapter 536 of the same Volume as provided for a ground rent on persons having erected buildings on the public lands and a tax on persons having inclosed or claiming the use or privilege of any of the said public lands inconsistent with this Act, are hereby repealed; provided that nothing herein contained shall be construed to authorize any person or persons to build upon or inclose any of the said public lands without the permission and consent of the Commissioners of the said town, nor to authorize the said Commissioners to assess a tax upon persons excluded from the provisions of said Section 9 of the Act hereby supplemented and amended.

Tenants of
vacant land
to be taxed

Section 13. That the said Board of Commissioners shall have authority to make such regulations and ordinances for the government of the town as they shall deem proper and necessary, and they are hereby authorized and required to provide sanitary measures for the health of the citizens, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend at any distance within one mile of the limits of said town, and cause all obstructions and nuisances that may at any time be and exist within the limits of said town,

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whether in the streets, lanes, alleys, or gutters, on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The Board of Commissioners, or a majority of them, may proceed, either upon their own view or upon complaint of any other citizen, in writing, stating the character of the nuisance and where the same exists. If the said Board of Commissioners, or a majority of them, either upon such information or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate the said obstruction or nuisance, he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the Board of Commissioners of Lewes, for the use of the town, in the same manner as debts of that amount are recoverable; and for every additional day the same shall remain unremoved and abated he or she shall forfeit the further sum of ten dollars, to be recovered, with costs, in the same manner. The Board of Commissioners aforesaid may also pass ordinances to protect shade trees planted along the streets, lanes or alleys, or upon any square within the town limits; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen or straighten any street, square, lane or alley, or open or lay out new ones, subject to the provisions in that behalf herein contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; and to direct the paving and graveling of footpaths and prescribe the width thereof; to regulate and provide for the making of gutters and the placing of gutter stones or plates therein, and for curbing, wherever in their opinion such paving or graveling, making of gutters and the placing of gutter stones or plates therein, and curbs may be necessary and proper; to prescribe the extent of steps, porches, cellar doors and other inlets to lots and buildings.

Section 14. That the Board of Commissioners, or a majority of them, be and they are hereby authorized and required, upon the written petition of five or more freeholders, to direct, in writing, the owner or owners of any house or land in Lewes before or in front of which they may deem proper that a pavement should be made, to curb and lay a pavement, or either, or both,

Pavement,
&c.

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of brick or smooth stones or cement, of such length and width as the said Board of Commissioners may specify.

In the event of any owner neglecting to comply with said notice for the space of three months, the said Board of Commissioners may proceed to have the same done, and when done, ^{Penalty for neglect} the Treasurer of the said town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill, showing the expense of such paving or curbing, or either, or both; if such owner or owners be not a resident in the town of Lewes, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or resident of said town of Lewes, such bill may be sent by mail to such owner or owners, directed to him or them at the postoffice nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation of the same, as aforesaid, then it shall be the duty of said Board of Commissioners to issue a warrant, in the name of the Commissioners of Lewes, under the hand of the President, attested by the Secretary of said Board of Commissioners, and under the seal of the said Corporation, directed to the Treasurer of the Commissioners of Lewes, commanding him that of the goods and chattels, lands and tenements of such owner or owners he shall cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of said Treasurer, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the town of Lewes at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill, with all costs. If no goods and chattels of such owner or owners ^{Proceedings} can be found within said town sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said Treasurer, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the town of Lewes for at least ten days before the day of sale, and after causing such notice of sale to be published twice in a newspaper of the said town of Lewes, to sell the lands and tenements of such owner or owners in front of which such paving and curbing, or either or both, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill, with costs, and a deed from the Board

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of Commissioners, signed by the President and attested by the Secretary under the seal of the Board of Commissioners, shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving or curbing, or either, or both, shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the said owner or owners after the completion of the said improvements. From the proceeds of the sale of said goods and chattels, or lands and tenements, sold as aforesaid, it shall be the duty of the Treasurer as aforesaid, to pay all costs arising from the sale to the parties entitled thereto, and to retain for the use of the said town the amount of the said bill as aforesaid, and the residue thereof, if any, shall be deposited in any bank of said town of Lewes to the credit of the said owner or owners.

Compensation of treasurer.

The Treasurer aforesaid shall be entitled to receive two dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the cost to be paid out of the purchase money as aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the nearest post-office nearest his or her place of residence; the provisions herein contained in this Section shall apply to any order made by the Board of Commissioners of said town in respect to any pavement, sidewalk or curb heretofore made or done which the said Board of Commissioners may deem insufficient or to need repairing.

If any lot or lots, house or houses, on any of the streets of said town of Lewes shall be held or owned by any widow or widows as and for her dower or any tenant for life, such expenses incurring as aforesaid, for the lot or lots, house or houses, so held shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be minors at the time of such expense being incurred, then to be paid by the guardian or

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agent acting for such minor or minors, out of any money or effects of such minor or minors, and receipt therefor to such guardian or agent shall be sufficient evidence of such payment and be allowed in his or her guardian or agent's account, and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same to remain on interest from the day of presentation and be a lien against such lot and improvements until paid. All subsequent repairs named in this Act to be kept up at the expense of the said tenant in dower or other life interest. The said Board of Commissioners of Lewes, in addition to the provisions of this Section hereinbefore contained, shall have the power and authority to enforce by ordinance all the requirements of this Section by imposing such fines and penalties as shall, in the judgment of said Board of Commissioners, be necessary and proper.

That whenever a pavement shall be laid before or in front of any house or land pursuant to the provisions of this Section, the Board of Commissioners, if satisfied that such pavement has been made in accordance with their directions, may allow to the owner or owners of such house or land a sum not exceeding one-third of the cost of said pavement.

Section 15. That the Board of Commissioners of Lewes shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any meeting. There shall be six or more stated meetings in every year of the said Board of Commissioners, to wit: On the first Monday of each alternate month. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this Act, or of the ordinances which they may enact in pursuance thereof, and which are not specially provided for in this Act. All such fines and penalties which may be imposed either by this Act or the ordinances enacted as aforesaid may be collected before the Mayor of said town or any Justice of the Peace of said town, and in default of payment, said Mayor or Justice of the Peace may commit to the town lock-up or the public jail of the County for any time not exceeding thirty days. The said Board of Commissioners shall be allowed for their attendance at each of said meetings a sum not exceeding One dollar.

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Constables or
bailiffs.

Duties of

Section 16. That the Board of Commissioners of Lewes shall have power to appoint such number of town Constables or bailiffs as shall be deemed necessary who shall constitute the town police, with power to remove any such constables or bailiffs and appoint others if it be deemed necessary, and it shall be the duty of the constable or constables or bailiffs aforesaid to arrest any drunken or disorderly person they may see on the streets of said town, without a warrant, and take such person so arrested before the Mayor of said town, who shall hear and determine the case within a reasonable time, and upon conviction before him he shall sentence such person or persons so convicted to pay a fine not exceeding Ten dollars, and may commit the party or parties to the town lock-up or the public jail of the County for a period not exceeding thirty days, or until such fine and costs shall be paid.

Neglect of
duty

Penalty

Section 17. That if any constable or bailiff shall neglect or refuse to perform any of the duties required of him by this Act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the Board of Commissioners aforesaid to present him to the Grand Jury of Sussex County, and upon conviction thereof by indictment he shall be fined in a sum not less than Ten or more than One hundred dollars, and may be imprisoned, in the discretion of the court, for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.

Assessor

To make as-
sessment.

Duties

To post tax
list

Section 18. That the assessor of the town for the time being shall annually within one month after the annual election of Commissioners, make a true, just and impartial valuation or assessment of all the real estate within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well as those owning or those not owning real estate within its limits; and the said assessor shall forthwith, after making such assessment, deliver to the Board of Commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each. The Board of Commissioners shall assess the real estate and person of the assessor. The Board of Commissioners shall, between the first and fifteenth days of February, cause a complete and full transcript of said duplicate to be hung up in a public place in the postoffice in said town, there to remain for a space of twenty days thereafter for public inspection; and the said Board of Commis-

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sioners shall, on the Wednesday next after the expiration of the said twenty days, hold a Court of Appeals, which shall continue open from nine o'clock A. M. until five o'clock P. M. of the said day, when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also, at the same time, notice of the time and place of appeals, shall be given by notices posted in at least six public places in said town. The decision of the Board of Commissioners upon any appeals shall be final and conclusive. No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others.

After the valuation and assessment shall be examined and adjusted by the said Board of Commissioners, all taxes shall be levied, assessed and raised on the real estate, and persons thus valued and assessed in just and equal proportions and rates. The assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed by some judge or Justice of the Peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the Board of Commissioners containing the certificates of the election of the Mayor, Board of Commissioners, assessor and treasurer aforesaid.

Section 19. That the Board of Commissioners, after having ascertained the sum necessary to be raised on the said town for the purpose of this Act, and having apportioned the same on the assessment and valuation aforesaid shall, yearly, in the month of March, or as soon thereafter as convenient, furnish the treasurer of said town with a list containing the names of the taxables, as well as the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax on the whole valuation, and the rate per hundred dollars. The list shall be signed by the Board of Commissioners, or a majority of them. The treasurer, immediately after receiving the said list shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the collector of the county rates and levies. The treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of Three thousand dollars, to the

Appeals

Oath of Assessor

Apportionment of tax

Tax list for Treasurer

Bond

OF CITIES AND TOWNS.

Commissioners of Lewes, conditioned for the faithful discharge of the trust imposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts. The said treasurer shall pay all orders drawn on him by the said Board of Commissioners, or a majority of them, and shall settle his accounts with the said Board of Commissioners annually before the fifth day of December, and as often and at such times as they, or a majority of them, shall require. The said assessor and treasurer shall each receive a reasonable compensation, to be determined by the Board of Commissioners.

To suppress
riotous as-
semblages

Section 20. That it shall be the duty of the said Mayor, Board of Commissioners and Constable or bailiff, or any Justice of the Peace residing in said town, to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or disorderly or noisy assemblages or gatherings of any person or persons in the streets, lanes, or alleys or squares of said town, or in any house situated therein, after night, or on the Sabbath day, or at any other time or season whatever, and for this duty it shall be the duty of the said constable or bailiff, upon the requisition of the Mayor, or any one of the Board of Commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending and carry him or them before the said Mayor, or Justice of the Peace, as aforesaid (whose duty it shall be to hear and determine the case), the said Mayor or Justice of the Peace shall sentence any such person so convicted to pay a fine not exceeding Ten dollars and to commit the party to the town lock-up or the public jail of Sussex County for a period not more than thirty days, or until said fine and costs be paid. It shall be the duty of the said Mayor or Justice of the Peace, upon complaint made before him of any riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial. The fees and emoluments of the said town constable shall be the same as a constable of the county for like service, provided that he shall not serve any civil process except to carry out the provisions of this Act.

Fine for offend-
ers.

Additional
duties

Section 21. That it shall be the duty of the said Mayor, Board of Commissioners, constable or bailiff, or Justice of the Peace, to suppress, extinguish and prevent all bonfires on any of

OF TOWNS AND CITIES.

the streets, lanes or alleys of the said town, and to suppress or prevent the firing of guns, pistols or the letting off of fireworks, or the making or throwing fire balls within the limits of the said town; and the said Board of Commissioners may enact and publish ordinances with reasonable penalties for preventing the same, and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before the Mayor or Justice of the Peace within the said town, and in default of payment the said Mayor or Justice of the Peace may commit to the town lock-up or the public jail of the County for any time not exceeding thirty days or until said fine and costs be paid. All fines and forfeitures realized under the provisions of this Act by the Mayor or Justice of the Peace as aforesaid shall be paid over to the treasurer for the use of the said town.

Section 22. That the Board of Commissioners of Lewes shall have full power and control over all ditches and gutters in said town, and all ditch companies, whether created under the laws of the State, or corporations, shall not and they are hereby prohibited from taxing any individual for any real estate within said corporate limits, but shall tax the corporation of Lewes only for the privilege of venting the water from said town into said ditch companies' ditches or canals.

Control over
ditches and
gutters

Section 23. And be it further enacted as aforesaid that the said Board of Commissioners of said town shall have the right and power to proceed against any person or persons, male or female, who may conduct or keep a disorderly house or house of assignation within the limits of said town, and upon conviction before the Mayor he, she or they shall be deemed guilty of maintaining a nuisance and be fined not more than Ten dollars and costs and may at the discretion of the Mayor be fined not more than Ten dollars for each day that said nuisance is continued (the common report in the town of Lewes shall be sufficient evidence of the character of the house maintained by those who shall be arrested for a violation of this Section).

To abate
nuisance

Section 24. That the Mayor of said town in hearing the cases which may come before him shall have the power and authority in all violations of the charter or ordinances of the town of Lewes to impose in each and every case a fine not exceeding Ten dollars and shall have the power and authority to commit all offenders and violators of said above named charter or ordinances

Mayor to im-
pose fines for
violations of
ordinances

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either to the town lock-up or the public jail of Sussex County according as he may deem best for the good government of said town for a period not exceeding thirty days, or until the said fine and costs be paid. And the Board of Commissioners of Lewes shall pay for the board (and commitment fee) of all persons committed to said public jail of Sussex County, for violations of the charter and ordinances of said town at the same rate as is paid the Sheriff of said county by the Levy Court for the board of prisoners.

Auditors

Section 25. And be it further enacted as aforesaid, That it shall be the duty of the Mayor for the time being and he is required to appoint annually not later than the month of October two competent and suitable persons, who shall be residents in and freeholders of said town of Lewes, auditors of the accounts of said town of Lewes, whose duty it shall be to examine all the accounts of said town, those of the Mayor, Board of Commissioners, Treasurer or any other persons who have an account with said town, for the current year and to audit the same; the said auditors shall on or before the fifth day of December next ensuing their appointment, publish a report of said accounts so examined and audited, in any newspaper published in said town of Lewes.

Additional ordinances

Section 26. And be it further enacted as aforesaid, that the Board of Commissioners of Lewes and their successors in office are hereby authorized and empowered to make such regulations as they may deem proper for the safety of the people of the town in relation to the running at large of dogs within the limits of said town and may enforce the same by proceedings before the Mayor, who shall fine the guilty parties, if convicted before him, in a sum not exceeding Ten dollars for each and every violation of said regulations. The word "dog" in this Section shall be held to include the female as well as the male.

Repeal of former Acts

Section 27. That an Act entitled "An Act to re-incorporate the Town of Lewes," passed at Dover and the several acts amending the same which are inconsistent with this Act, be and the same are hereby repealed and made null and void, saving and excepting, however, from the effect of such repeal, and hereby expressly declaring, that all the ordinances of the town of Lewes heretofore enacted or adopted, and now in force in pursuance of any law of this State,

OF CITIES AND TOWNS.

shall continue in full force and effect until repealed, altered or amended by the Board of Commissioners of said town; that all the acts and doings of the Board of Commissioners of said town or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the Board of Commissioners of said town, are hereby ratified and confirmed; that all debts, fines and penalties and forfeitures due said town of Lewes, and all debts due from said town of Lewes to any person or persons whatsoever, or to any corporations, are hereby declared to be unaffected and unimpaired by this repeal, and all the laws of this State for the collection and enforcement thereof shall continue in full force and effect until the same shall be fully paid and discharged; that all the powers now conferred by law upon the treasurer for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until the said taxes shall be fully collected and paid; that the official bond of the treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of the said bond; that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due said town, under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Section 28. That this Act shall be deemed and taken to be a public Act.

Approved March 7, A. D. 1901.

OF CITIES AND TOWNS.

CHAPTER 200

OF CITIES AND TOWNS.

AN ACT TO RE-INCORPORATE THE COMMISSIONERS OF REHOBOTH.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein):

Change of
corporate
name

Section 1. That all the lands lying and situated within the limits of what was formerly the limits of what was formerly the Rehoboth Beach Association, situated in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, shall be known as The Town of Rehoboth and by that name shall hereafter be called and designated.

Create a cor-
porate body

Section 2. That the Commissioners of Rehoboth now in office and their successors hereafter chosen under the provisions of this Act, shall be a body politic and corporate in fact and in law, by name, style and title of The Commissioners of Rehoboth and by that name may sue and be sued, implead and be impleaded in all courts of law or equity in this State and elsewhere, and shall have power to make and use a common seal and alter and renew the same at pleasure, and for the purposes of this Act renew the same at pleasure, and for the purposes of this Act hereinafter set forth to take, hold, receive and enjoy any lands, tenements and hereditaments in fee simple or otherwise, and also goods, chattels, rights and credits, and to alien, grant and dispose of the same in such manner as they may deem expedient and proper for the purposes hereinafter expressed; and also to appoint such officers and agents as shall be deemed necessary or convenient for the management of the affairs of said Town; to fix and determine the compensation of such officers and agents, and generally to do all such acts and things as are or shall be necessary to carry into effect the provisions of this Act, and to provide for the welfare of the town and the maintenance of a permanent seaside resort, furnish the proper conveniences and attractions requisite to the success of the same; provided that noth-

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ing in this Act shall be construed as conferring any banking power.

Section 3. That the Commissioners of Rehoboth shall consist of seven members, to be chosen as hereinafter provided. ^{Commissioners, members of} The Commissioners of Rehoboth and other officers now serving shall continue in office until the expiration of the term for which they were elected or appointed and until their successors are chosen

Section 4. That on the last Saturday of July in each and every year, election shall be held in the said Town of Rehoboth at the usual place of voting or at such place as may be designated by the Commissioners, between the hours of one o'clock and four o'clock in the afternoon, at which election the voters of the town qualified as hereinafter provided, shall elect successors to the Commissioners whose term of office shall then expire, to serve the term of three years, that is to say, until the annual election three years thereafter and until their successors shall be elected, qualified as aforesaid. Shall also elect three auditors of accounts to serve for one year and until their successors are elected. The said voters shall in like manner elect a Commissioner or Commissioners to serve for the unexpired term or terms of any Commissioner or Commissioners, whose office shall have been rendered vacant in any manner whatsoever. Shall also elect from among the freeholders of Rehoboth two judges to serve as such at the next annual election. Each Commissioner shall be at the time of his election and during his term of office a freeholder of the town and his ceasing to be a freeholder during his term shall ipso facto vacate his office. In the event of a vacancy in the office of a Commissioner during his term of office the Board of Commissioners or a majority of them for the time being shall appoint some freeholder of the town to fill such vacancy until the next annual election. It shall be the duty of said Commissioners at least twenty days before the day of holding any such election to give public notice of the fact by not less than five printed notices posted in five or more of the most conspicuous places in said town, but failure to do so will not prevent said election from being held, but shall render the commissioners then in office ineligible for reelection at the next election at which they would be voted for. At all annual elections a plurality of votes shall elect.

^{Election}
^{Commissioners}
^{Terms of office}
^{Auditors}
^{Qualifications of}
^{Vacancy}

Section 5. The said election shall be held by the president ^{Election, how held}

OF CITIES AND TOWNS.

of the Commissioners, who shall act as inspector, and by two judges, who shall be elected from among the freeholders at the annual election preceding ; but if one or more of the said judges be not present the President may appoint one or two, as may be necessary, from among the freeholders who are present to act as judge or judges for that election. The judges for the election to be held in 1901 shall be chosen as heretofore. The said persons so chosen shall be judges of said election and shall decide legalty of the voters offered and all other manners of dispute. The said president shall act as inspector of the election and shall receive and deposit in a box provided for that purpose the votes cast at such election, and whenever the said judges are unable to agree concerning any matter of dispute the said president shall decide the same when any such election shall be closed. The said officers shall publicly ascertain the results of the same and certify thereto on the book of the Commissioners kept for that purpose ; (if) the services of the president cannot be procured, then the persons present and entitled to vote may proceed and elect any freeholder of said town who may be present, in his stead.

Voters	At any such election every person, male or female, who shall have been a freeholder in the said Rehoboth for a period of six months immediately preceding said election and against whose property there shall be no unpaid tax on the assessment list, above the age of twenty-one years, whether a resident or a qualified voter of the State of Delaware or not, shall be entitled to one vote, but all votes shall be offered.
Qualification of	
Organization	Section 6. The Commissioners of Rehoboth at the first meeting after each election or as soon thereafter as may be, shall choose a president and secretary from their own number, to serve until the first meeting of the Commissioners after the next annual election. They shall also choose an assistant secretary to serve as aforesaid. The assistant secretary, who may or may not be chosen by the Commissioners from among their own number, shall receive such compensation for his services as the Commissioners shall determine. The said Commissioners shall also appoint a Treasurer for said town, who shall be a substantial freeholder of Lewes and Rehoboth Hundred or a corporation doing business in said Hundred. The said Treasurer shall give such bond as shall be determined and approved by said Commissioners. The said Commissioners shall appoint a collector to collect the taxes that shall be assessed during the current year. The said
Officers	
Secretary	
Treasurer	
Bond of	
Collector of tax.	

OF CITIES AND TOWNS.

collector shall be a permanent resident of Lewes and Rehoboth Hundred. If a vacancy shall occur in the office of collector the Commissioners shall appoint some person qualified as aforesaid to collect the uncollected taxes, and if a vacancy shall occur in the office of any officer appointed by the Commissioners, the said Commissioners shall fill such vacancy for the unexpired term. It shall be the duty of the said president to preside at the meetings of the said Commissioners and to have the general supervision of the affairs of said Rehoboth and of the persons who may be employed by the said Commissioners; to receive the complaints of nuisances and violation of laws and ordinances and present the same to the said Commissioners at their next meeting for their action; he shall sign all warrants on the treasurer for the payment of any moneys, and shall perform such other duties as may be prescribed by any ordinance or the by-laws adopted by said Commissioners. The duties of said secretary shall be such as are prescribed by the by-laws, but in conjunction with the said treasurer, an annual report of the financial condition of said town shall be prepared, showing the receipts and expenditures, and submitted to the said Commissioners, which said report shall be open to the inspection of any freeholder of said town. The treasurer shall have the custody of all funds and resources of the town and his duties generally shall be prescribed by the Commissioners.

Section 7. The said Commissioners shall provide for regular and special meetings of the Board and shall prescribe the time and place of such meetings, and the manner of calling the same, provided that there shall be a stated meeting of the Commissioners on the first Saturday in June, July, August and September of each year from one o'clock to three o'clock in the afternoon. All meetings of the Board during the months of June, July, August and September shall be held at Rehoboth. During the remainder of the year meetings may be held at Rehoboth, the City of Wilmington, in this State, or the City of Baltimore, Maryland; the Commissioners shall each receive one dollar for each day's attendance at a regular or special meeting of the Board. They shall also be paid their actual traveling and hotel expenses for attendance at any regular or special meeting held in Wilmington or Baltimore. The auditors of accounts shall receive one dollar each for their services if performed at Rehoboth, and actual traveling and hotel expenses in addition if performed in Wilmington or Baltimore.

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Unsold real
estate vested
in Commis-
sioners

Male of

Power to
make ordin-
ances, &c.

Section 8. That the unsold real estate within the limits of said Rehoboth shall continue to be vested in the Commissioners of said town, subject, however, to the lines thereon already existing, and the said Commissioners shall control and take charge of the same, and are hereby authorized and empowered to sell and dispose of the said unsold real estate in such manner and upon such terms as they may deem advisable and advantageous, and to execute a good and sufficient deed or deeds in fee simple to the purchaser or purchasers for the same.

Section 9. That the said Commissioners of Rehoboth for the good government and welfare of said town, shall have power to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes: To prevent vice, drunkenness and immorality; to preserve peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain and suppress disorderly and gaming houses, and houses of ill fame; all instruments and devices for gaming; and to prohibit all gaming and fraudulent devices; to prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the town; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said town and the beach or beach strand in or contiguous to said town, and prevent and remove all encroachments on said streets, avenues, highways, lanes, alleys, beach or beach strand; To regulate, clean and keep in repair the streets, highways, lanes and alleys, wharves and docks in said town, and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, crosswalks, sewers, drains, aqueducts, water courses, wharves or docks in any manner whatsoever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, or alley in said town, or in digging up any street, avenue, highway or alley for the purpose of laying down pipes, or any other purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks and grounds of said town, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt

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from the sidewalks and gutters by the owner or occupants of the premises fronting thereon; To level, grade, flag or re-flag, curb or re-curb, gutter or re-gutter, pave or repave, macadamize, gravel or shell the streets, highways and alleys of said town, and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed; To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said town, which shall be deemed dangerous or unwholesome or necessary to carry out any improvement authorized by this Act; to prescribe the manner in which said work shall be performed and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any stoop, step, platform or bay window, cellar door, gate, area, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over or upon any street, sidewalk or avenue, and to remove the same where already erected, at the expenses of the owner or occupant of the premises; To prevent and punish horse racing and immoderate driving or riding, in any street, highway or strand, and to authorize the stopping and detention of any person who shall be guilty of immoderate driving or riding in any street, or highway, or strand; To prevent the driving of any drove or droves of horses, mules, cattle, sheep or swine through any of the streets of the town, on the first day of the week, commonly called Sunday, and to regulate the same at other times; To regulate, protect and improve the public grounds of said town; To provide lamps and to light the streets and public places of every description, in said town; To make and regulate wells, pumps, aqueducts and cisterns in the public streets; To establish and regulate one or more pounds, and to restrain the running at large of horses, cattle, swine, goats, and other animals, geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the cost of keeping, impounding and sale; To regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; To locate, regulate and remove slaughter houses and hog pens, privies and water closets; To prescribe and regulate the places of vending or exposing for sale wood, hay, straw, and other articles from wagons or other vehicles; To regulate or prohibit any practice

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having a tendency to frighten animals, or to annoy persons passing in the streets, or on the sidewalks in said town; To restrain drunkards, vagrants, mendicants and street beggars; To prescribe the manner in which all contracts for performing work or furnishing materials for the town shall be made and executed; To abate or remove nuisances of every kind, at the expense of those maintaining the same and to compel the owner or occupant of lot, house, building, shed, cellar, or place wherein may be carried on any business or calling, or in or upon which there may exist, any matter or thing, which is or may be detrimental in the opinion of the Commissioners or local board of health, to the health of the inhabitants of the town, to cleanse, remove or abate the same, under the directions of the Commissioners, as often as the said Commissioners or local board of health may deem necessary for the health of the inhabitants of the town; or in a summary manner to cause the same to be done at the expense and proper cost of such owner or occupant; and such owner or occupant is hereby expressly made liable for said cost and expenses, to be collected in such manner as the Commissioners may by ordinance direct, from such owner or occupant, in addition to any fine or penalty, to which he or she may be liable for maintaining the said nuisance. To regulate and control the manner of building or removal of dwelling houses or other buildings and to provide for granting permits for the same. To establish a building line for buildings hereafter to be erected; provided that such building line shall not be established more than ten feet back from the front line of the lots. To prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erecting of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any town officer or constable or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of firearms in said town; to regulate or prohibit the use of candles and lights in barns, stables and other buildings. To establish, regulate and control a suitable sewer

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and drainage system for said town; "Provided, however, that the Commissioners shall not have authority to bond the town for this or any other purpose without an act of the General Assembly and a majority vote of the freeholders authorizing the same." To regulate or prohibit swimming or bathing in the ocean or in the waters within the limits of the town; To make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of the State or of the United States, as they, the said Commissioners, may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and property of said town and its inhabitants.

Section 10. The said Commissioners may fix and prescribe ^{Fines and penalties} fines and penalties not over Twenty dollars, for the violation of any authorized town ordinance and any person violating any such ordinance, shall upon conviction of the offense before the Alderman or any Justice of the Peace within the county, be fined the amount so prescribed, and upon failure to pay such fine, be committed to the town lock-up or county jail for not more than five days. All fines and penalties when collected shall be paid to the treasurer of the town.

Section 11. That the Commissioners of Rehoboth are authorized upon the written petition of five freeholders of the said ^{Pavements, &c.} town of Rehoboth to notify and direct, in writing, the owner or owners of any house or land in said town before, along, in front of, or adjoining which they, the Commissioners, deem proper that a pavement should be made, to curb and lay a pavement, or either, of such material and of such length and width as the said Commissioners shall specify. Notice to one joint owner shall be notice to all, and in case the owner shall not reside in the town at the time, notice to the occupant or tenant shall be deemed to be a sufficient notice. If there be no occupant or tenant residing in the town at the time, such notice may be sent by mail to the owner, directed to him or her at the postoffice nearest his or her residence. If such owner shall neglect or refuse, for the space of three months, after being directed as aforesaid, to lay such pavement and curb, or either, it shall and may be lawful for the said Commissioners to cause such pavement and curb, or either, to be made and to recover the cost of making the same by the distress and sale of any goods and chattels, lands and tenements

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belonging to such owner within the limits of said town; and for this purpose the said Commissioners of Rehoboth shall issue a warrant under the seal of the corporation, directed to the treasurer of the town commanding him that of the goods and chattels, lands and tenements of such owner he shall cause to be levied and made the amount of the said cost of pavement and curbing. In collecting the said amount the said treasurer shall have all the powers of a collector of county taxes.

The claim for the cost of paving and curbing, or either, shall be a lien on the premises in front of, along or adjoining which the work was done, and shall have priority over any lien, incumbrance, or conveyance suffered or made by such owner after the completion of such improvement. If any pavement or curb made prior to the passage of this Act shall be deemed by the said Commissioners to be insufficient, they, the said Commissioners, shall have power to direct in writing the owner or owners in front of, along or adjoining whose premises the same is laid, to make a sufficient pavement or curb, or both, and upon neglect or refusal so to do, the said Commissioners shall cause the same to be done, and recover the costs of so doing in like manner as above prescribed in case of new pavements. If the premises in front of, along or adjoining which a pavement or curbing is directed to be laid, are held or owned by a tenant for life, the expenses incurred as aforesaid shall be paid by the owner or owners of the reversion in fee. Whenever a pavement or curb shall be laid by the before or in front of, along, or adjoining his house or land, pursuant to the direction of the Commissioners, the said Commissioners may if they deem it proper and are satisfied that the work has been done according to their specifications, allow to such owner, out of the funds of the town, a sum not exceeding one-third of the cost of said pavement and curbing.

To levy tax

Section 12. That the Commissioners of said Rehoboth be and they are hereby authorized and empowered, for the purpose of improvement and current expenses only, to levy and collect a tax, not exceeding Twenty-five hundred dollars (\$2500) in any one year on all the real estate within the limits of said corporation, except land of said town. All taxes shall be levied, assessed and raised on the real estate in just and equal proportions. Provided, however, that nothing herein contained shall be construed to repeal or modify the provisions of Section 3 of Chapter 767 of Volume 19 of the Laws of Delaware as amended by Chapter 110

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of Volume 20 of said Laws, exempting certain buildings and improvements from taxation.

Section 13. That the said Commissioners after having as- ^{Assessment}certained the sum necessary to be raised on the said town for each year for the purposes mentioned in this Act, shall make a true, just and impartial valuation or assessment of the real estate within said town, except as hereinbefore exempted, and shall as soon as possible, cause a full and complete transcript of said assessment, containing the amount assessed to each freeholder, to be hung up in a public place in said town, there to remain for the space of ten days for public inspection. The said Commissioners shall, within three days after the expiration of the said ten days, hold a court of appeal, which shall continue open from 2 o'clock ^{Appeal}P. M. to 5 o'clock P. M. of the said day, when they shall hear appeals from said assessments. Notice of the hanging up of the list and also at the same time notice of the time and place of hearing appeals shall be given by notices posted in at least five public places in said town. The decision of the said Commissioners upon any appeal shall be final and conclusive. No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjudged by the said Commissioners, all taxes shall be levied, assessed and raised on the real estate thus valued and assessed in just and equal proportions. The said Commissioners, before commencing to make said assessment, shall be sworn or affirmed, by some person authorized by the law of this State to administer oaths, diligently, faithfully, and impartially to perform the duties herein imposed to the best of their ability, knowledge and judgment.

Section 14. That the said Commissioners, after having revised and completed the said assessment as aforesaid, and ascertained and determined, according to their best judgment the amount necessary and proper to be assessed to each freeholder of said town, and also the tax levied on the whole valuation and assessment, and the rate per hundred dollars, they, or a majority of them, shall sign said perfected list and immediately place the same or a duplicate thereof in the hands of the said collector, who shall at once proceed to collect the taxes mentioned and contained in said list, and in collecting the same shall have the same ^{Collection of taxes}powers as are given by law to the collector of the county taxes in the collection of said taxes the said collector shall deduct five

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Bond of Collector.

per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of September in any year following the assessment of the said tax, and shall deduct four per cent. from the amount of tax assessed against the person or property of any one who will pay such tax by the first day of October in any year following the assessment of said tax. The said collector before entering upon the duties of his office shall give bond with sufficient surety to the said Commissioners, to be approved by them, in a sum at least double the amount of the list or duplicate of taxes placed in his hands, conditioned for the faithful discharge of the trusts imposed in him and for the collection of all taxes committed to him and for the payment by him of the amount of all such taxes, excepting only so far as allowances shall be made to him by the said Commissioners for delinquencies, commissions or otherwise, to the officer or officers authorized or appointed by the said Commissioners for the purpose, at such times as the Commissioners shall appoint. The said collector shall receive such reasonable compensation or commissions for his services as shall be determined by the said Commissioners.

Compensation

Duty of Auditors

Section 15. It shall be the duty of the auditors of said town to meet the Commissioners and treasurer on the second Monday in July, annually, and then and there to audit and examine the accounts, vouchers, and books of the said Commissioners, and treasurer and collector, and record the result of said examinations in a book to be furnished by the said Commissioners for that purpose, and shall make and exhibit a report of the financial condition and status of said town, to be hung up in some public place in said town within ten days after said meeting.

Alderman

Section 16. The said Commissioners at the meeting next after each annual election, as hereinbefore provided for, or as soon thereafter as convenient, shall elect some suitable person to be Alderman of Rehoboth, who may or may not be a Justice of the Peace resident in said town, to serve as such for one year, or until his successor shall be duly elected, subject, however, to be removed from office at any time by a vote of two-thirds of all the said Commissioners. Before entering upon the duties of this office he shall be sworn or affirmed, by the president or by any one of the Commissioners, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute

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all laws enacted for the government of said town of Rehoboth and to carry into effect all the orders and directions of the said Commissioners made in pursuance of any law of this State or of any ordinance that the said Commissioners may legally make and establish.

He shall have all the powers of a Justice of the Peace within the said town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said town of Rehoboth, so far as to arrest and hold to bail, or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the said Commissioners regularly passed and established for the government of the town; provided that he shall not impose any fine exceeding Twenty dollars, or have jurisdiction in civil matters exceeding One hundred dollars, exclusive of cost. Powers of

His fees for any service under this section shall be the same as those of a Justice of the Peace for a like service, and for any service or duty for which no fee may be provided by law the fee may be established by ordinance of the Commissioners. Fees

If any vacancy shall occur in the office of Alderman of Rehoboth by death, resignation, removal from office or otherwise, such vacancy may be supplied by the Commissioners at any meeting thereof for the residue of the term. At the expiration or other termination of his term of office, within two days after the election of his successor, all the books and papers belonging to his office, and shall pay over to the treasurer all moneys in his hands belonging to the said town of Rehoboth within five days after the expiration or other termination of his term of office. Vacancy in office of

Upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer within the time aforesaid, all moneys belonging to the town of Rehoboth, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than Twenty nor more than One hundred dollars. The Alderman shall report to the Commissioners all fines and penalties and pay the same to the treasurer at such times as the Commissioners may order or direct. Neglect to perform duty

The said Commissioners may appoint such number of local Penalty Constables

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constables as shall be deemed necessary, who shall constitute the town police.

Lock-up

And it shall and may be lawful for the said Commissioners to keep and maintain a suitable place as a lock-up or jail for the use of said town of Rehoboth, and the Alderman or Justice of the Peace acting under the provisions of this Act, or carrying into effect any judgment or sentence pronounced under its authority or by virtue of any ordinance or regulation adopted by virtue of the power conferred by this Act may commit to the lock-up or jail for any time not exceeding five days.

Control of funds of

Section 17. That the said Commissioners, or a majority of them, shall have the authority to use the money in the treasury of said town, for the general improvement, benefit and ornament of said town, as they, or a majority of them, may deem advisable and proper, but the said treasurer shall pay out no money except upon the written order of the Commissioners or a majority of them. If any person or persons shall willfully cut and tear down any wire or wire fence belonging to the said town of Rehoboth, or shall maliciously injure or destroy any of the property of the said town, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten nor more than One hundred dollars.

Section 18. This act shall not be construed to repeal any former acts in relation to the town or Commissioners of Rehoboth unless the same are manifestly inconsistent with this Act; and all existing by-laws, ordinances, rules, regulations and resolutions of the Commissioners of Rehoboth not inconsistent with the provisions of this Act shall remain in force until repealed or modified by the Commissioners of Rehoboth.

Approved March 9, A. D. 1901.

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CHAPTER 201.

OF CITIES AND TOWNS.

AN ACT TO INCORPORATE THE TOWN OF SELBYVILLE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring) :

Section 1. That Isaiah J. Brasure, Isaiah W. Long, Asbury M. Murray, Robert W. Hill and Charles S. Hamblin are hereby appointed Commissioners, whose duty it shall be, and they or a majority of them are hereby authorized and empowered with the assistance of a skillful surveyor to be by them chosen to survey and lay down on a plot the Town of Selbyville, in Sussex County, establishing its limits and making and describing its streets, alleys, lanes and sidewalks, and shall when the service is performed return the plot under their name to the Recorder's office at Georgetown, to be recorded and the original and the record or a certified copy thereof shall be evidence. The Commissioners and the surveyor before entering upon their duties under this Section shall take an oath or affirmation to discharge them with fidelity and the aforesaid return shall show that this qualification was complied with.

Appointment of Commissioners for town of Selbyville.

Authorized to plot the town.

Oath of office

Section 2. Be it further enacted as aforesaid, that the Commissioners hereby appointed and their successors in office to be chosen as hereinafter provided shall be a body politic and corporate in fact and in law by the name of the Commissioners of the Town of Selbyville, and may sue and be sued by the name. They shall in addition to the power hereinbefore conferred have power to regulate the streets, lanes, alleys and sidewalks of said town and may direct the latter or such part thereof as they may determine to be paved the width of at least five feet or otherwise improved at the expense of the owner of the ground adjacent; provided further that there will be no compulsion for any one to pave their sidewalks for five years from the date of this Act. On complaint of any citizen to examine any chimney, stovepipe fixture

Created a corporate body

Additional powers of

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or any other matter dangerous to the town, and if adjudged dangerous to require and compel it to be repaired, remedied or removed. To prevent or remove nuisances therein, to prohibit the firing of guns or pistols, the making of bonfires or setting off fireworks or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of negroes, boys or other persons within the town and generally they shall have all the powers which by any law of this State are conferred on the Commissioners of the Town of Dover.

**Terms of
office**

Election

Voters

**Term of
office**

Vacancies

Section 3. Be it further enacted as aforesaid that the Commissioners herein named shall continue in office until the first Saturday in March, A. D. 1900, on which day in that year and on the same day in every year thereafter there shall be held an election in the said Town of Selbyville at the public School House therein from the hour of two till the hour of four o'clock P. M. for five Commissioners, who shall be residents of said town and freeholders therein. The said election may be held by the President of the Town Council or any voter and two citizens chosen by the people present entitled to a vote who shall be judges of said election and shall decide the legality of the votes offered. They shall receive the ballots, ascertain the result and (certify) the same on the books of the Commissioners. At such election every male taxable of said town above the age of twenty-one years and who shall have paid the town tax last assessed to him shall be entitled to a vote, and the husbands of women freeholders in said town shall be entitled to a vote at said election provided that town tax last assessed to them shall first have been paid. At said election each person entitled to vote shall be entitled to one vote at the said election to be held on the first Saturday in March, A. D. 1901, aforesaid. Three of the Commissioners to be elected shall serve for the term of one year or until their successors shall be elected, and two of the Commissioners to be elected shall serve for the term of two years or until their successors shall be elected, and at each subsequent annual election the successors of the Commissioners whose term shall have expired shall be chosen to serve for the term of two years or until their successors shall be elected, and if any vacancies shall occur in said Board of Commissioners by death, resignation, refusal to serve or otherwise of any member thereof the remaining Commissioners shall have the power to fill such vacancy or vacancies until the ensuing annual election, at which time said vacancies shall be filled by

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election of Commissioners to fill out the whole of the unexpired terms of the Commissioners in whose stead they shall be elected.

Section 4. Be it further enacted as aforesaid that there shall **Meetings** be four stated meetings in every year of the said Commissioners, viz.: On the second Wednesday in March, June, September and December, at which meetings they may pass all such ordinances **Ordinances** or rules for the good government of the said town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps and for all other matters relating to the general welfare of said town as said Commissioners may deem proper, provided the same be not repugnant to the Constitution and laws of the State and of the United States. By such ordinances they may impose fines, penalties and forfeitures and provide for their collection, also the President shall have at the request of two or more Commissioners call a special meeting of the Commissioners whenever they may deem such meeting necessary, and at such meeting they shall have the right to transact any business that they may have power to transact at regular meetings. The said Commissioners shall at their first meeting after the election elect one of their number as President of said **Board**, whose duty it shall be to preside at the meetings of the Board, have the general supervision of all streets in said town and of the persons who may be employed by the Town Commissioners, receive complaints of nuisance and other complaints of nuisance and other complaints of citizens of violation of the laws and ordinances and present the same to the Commissioners at the first stated meeting for action, and violations or infractions of the laws or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall sign all warrants on the treasurer for the payment of any money and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Town Commissioners.

Section 5. Be it further enacted as aforesaid, That the Com- **Tax** missioners herein named and their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised on said town for that year, not exceeding five hundred dollars, including tax on real and personal property and poll tax; and they shall appoint an assessor, who may or may not be one of their number, to make an assessment of persons

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and property in said town; and shall also appoint a collector and treasurer, who may or may not be one of their number.

Assessment The collector and treasurer may be the same person. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within the said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well as those owning real estate as those not owning real estate, at least fifty cents per head as tax, provided that all vacant lots, pieces and parcels of land within the limits of the town, as the limits may be determined and designated, exceeding one acre in quantity, shall be exempt from taxation for the uses and purposes of said town of Selbyville, but all such lots, and pieces and parcels of land exceeding an acre as aforesaid, having a dwelling thereon shall be assessed and taxed as and for one town lot, and the said assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being a duplicate containing the names of all persons assessed and the amount of assessment, distinguishing the real and personal assessment of each. When the assessment is returned and the Commissioners shall give five days' public notice of the fact, and they will sit together at a certain place, and on a certain day to be designated by them, from two to four o'clock in the afternoon, to hear appeals from said assessment; they shall have power on such day to add to or decrease any assessment except that of poll, which shall always remain at the figures above stated, fifty cents per head. When the appeal day is passed, they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commissions and delinquencies, which shall be allowed by the Commissioners to the treasurer by the first day of June next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law upon collectors of County taxes, provided however that in making said assessment for the town of Selbyville that all machinery in any factory now in said town, or that hereafter may be erected, shall be exempted from taxation for town purposes, and that only the real estate and buildings belonging to said factories shall be taxed.

Duplicate of assessment

Appeals

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Section 6. Be it further enacted as aforesaid, That the Commissioners or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town, as they may deem advisable, and all money paid out by the treasurer shall be paid upon the order of the Commissioners, or a majority of them, provided that said Commissioners shall have no authority to create debts on said town to a greater amount than they are authorized to raise by said taxation and collect from the county.

Authority to
use money

Section 7. Be it further enacted as aforesaid, That any ordinance for the paving or improving the sidewalks shall apply only to those persons owning property affronting upon them, who, and who alone, shall bear the expense of making the pavements or other improvements where the same shall be ordered. If such ordinance be not complied with within three months the Commissioners may procure the materials and work to be found and done and collect the expense of the same, on ten days' notice by advertisement at three of the most public places in said town, out of the personal or real estate of the person in default situated in said town; the sale may be made by any person whom the Commissioners may depute for that purpose, and if the proper notice has been given the sale shall be valid, and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and incumbrances. The money realized from the sale shall be paid to the treasurer for the use of the town, but if there be any surplus, after meeting the claims for which the sale was made, such surplus shall be paid to the person in default. The Commissioners shall allow reasonable fees for seizing the property and making sale.

Pavements,
&c.

Section 8. Be it further enacted as aforesaid, That the president and Commissioners for the time being shall have the superintendence and oversight of all roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of such road or street shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than two hundred and twenty-five dollars, and shall make an order for the payment thereof to the treasurer of the town of Selbyville for the use of said town.

Supervision
of roads and
streets

Section 9. Be it further enacted as aforesaid, That the

OF CITIES AND TOWNS.

Treasurer and Collector to be sworn treasurer and collector shall be severally sworn or affirmed to discharge their respective duties with fidelity; such oath or affirmation may be administered by any person authorized by the laws of this State to administer oaths, or by the president of the Board of Commissioners. They shall also, before entering upon the duties of their office, give bond to the town of Selbyville, with sufficient surety to be approved by the Commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said offices and for the payment to their successors in office of all sums of money belonging to said town which may remain in their hands upon the settlement of their accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said Commissioners, and signed by the president thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Commissioners annually in the month of March, and at such other times as the said Commissioners may require. The treasurer, clerk and assessor of said town, shall each receive a reasonable compensation for their services, to be determined by the Commissioners of said town; provided the compensation of the said treasurer, as such, shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Bond

Duties of treasurer

Section 10. Be it further enacted as aforesaid, That the town Commissioners at their first meeting, or as soon thereafter as convenient, shall annually proceed to elect by ballot some suitable person, resident in said town to be Alderman of the town of Selbyville, who may or may not be a Justice of the Peace resident of said town, to serve as such for the term of one year or until his successor shall be duly elected, subject however to be removed from office at any time by a vote of two-thirds of all the members of the Board of Town Commissioners. Before entering upon the duties of his office he shall be sworn, or affirmed, by the president of the Board of Commissioners, or by any one of the Commissioners, to perform the duties of his office honestly, faithfully and diligently, and all the provisions of Sections three (3) and four (4) of the Act to incorporate the town of Milton, passed at Dover, March the third, A. D. 1881, shall apply to and

Alderman

Oath of

OF CITIES AND TOWNS.

are hereby extended and applied to the said Alderman of the town of Selbyville.

Section 11. Be it further enacted as aforesaid, That the ^{Town clerk} Commissioners shall appoint a town clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the Commissioners and the same shall be evidence.

Section 12. Be it further enacted as aforesaid, That the ^{Constable} Commissioners shall appoint a town Constable.

Section 13. Be it further enacted as aforesaid, That it shall be the duty of the Alderman of said town, and of the town constable, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or at any building used for any fair, festival, concert or any other social, literary or religious meeting or any entertainment whatsoever, or in the streets, lanes, or alleys of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys, or sidewalks; and for this purpose it shall be the duty of said Constable to seize and arrest any such persons so offending and take them or him before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the Alderman shall sentence any such persons so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fines and costs shall be paid. It shall be the duty of the Alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages, or gatherings as aforesaid to issue his warrant to the constable aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid to arrest any drunken or disorderly person who may be seen on the streets of said town, and take them or him before the Alderman of said town; who shall proceed forthwith to hear and determine the case, and upon conviction before him, he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If, upon view of the person or persons who may be brought before the Alderman of said town for violation of this Section it shall appear to the Alderman that in his judgment such person or persons are

OF CITIES AND TOWNS.

Fees

not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this Section. The fee to the Alderman of said town for the trial of any cause under this Section shall be fifty cents, and to the Constable making the arrest fifty cents, and in all cases of fees for the Alderman and Constable not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to Justices of the Peace and Constables in like cases.

Section 14. Be it further enacted as aforesaid, That this Act shall be deemed and taken to be a public Act, and shall be printed among the laws of this State.

Approved March 16, A. D. 1901.

TITLE ELEVENTH.

Of the Domestic Relations.

CHAPTER 202.

OF MARRIAGE.

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE BY STRIKING OUT ALL OF SECTION 4 OF SAID CHAPTER, AS PRINTED AND PUBLISHED ON PAGE 594, BY PROVIDING THAT COLORED PEOPLE SHALL NOT PRODUCE CERTIFICATES OF A JUSTICE OF THE PEACE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 4 of Chapter 74 of the Revised Code, as printed and published on page 594 be amended by striking out all of said Section 4. Certificates of Justice of the Peace abolished

Approved March 14, A. D. 1901.

OF HUSBAND AND WIFE.

CHAPTER 203.

OF HUSBAND AND WIFE.

AN ACT TO FURTHER AMEND THE ACT ENTITLED "AN ACT FOR THE PROTECTION OF WOMEN," PASSED AT DOVER, APRIL 9, 1873.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Women dying intestate without issue

Section 1. That the Act entitled "An Act for the protection of women," passed at Dover, April 9, 1873, be and the same is hereby amended as follows: by inserting between the words "issue" and "then" in the fifteenth line of the fifth section the words "by her husband surviving."

Approved March 14, A. D. 1901.

OF HUSBAND AND WIFE.

CHAPTER 204.

OF HUSBAND AND WIFE.

AN ACT PROVIDING FOR THE CORPORAL PUNISHMENT OF WIFE-BEATERS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That if any person, being the husband of any Abuse of wife woman, shall by physical violence abuse, maltreat, or beat his wife, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by being whipped at the whipping post with not less than five lashes nor more than thirty Misdemeanor lashes. Penalty

Section 2. That all acts or parts of acts, so far as said acts Repeal or parts of acts provide for any method or methods of punishment other than that mentioned in the first Section of this Act for the offense or offenses set forth in the first Section hereof, be and the same are hereby repealed.

Amend by striking out Section 1 and insert in lieu thereof: Amendment

Section 1. That if any person being the husband of any Abuse of wife woman, shall assault and strike or beat his wife he shall be deemed guilty of a misdemeanor, and upon conviction thereof, may in Misdemeanor the discretion of the Court, be sentenced to be whipped with not less than five nor more than thirty lashes, and fined or imprisoned. Penalty.

Approved February 22, A. D. 1901.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 205.

OF CONVEYANCES.

AN ACT TO AMEND SECTION 22 OF CHAPTER 83 OF THE REVISED CODE AS AMENDED IN 1893, ENTITLED "OF CONVEYANCES" IN RELATION TO THE SATISFACTION OF MORTGAGES BY A CORPORATION OR ITS DULY CONSTITUTED ATTORNEY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Judgments of corporations may be satisfied by attorney thereof

Section 1. That Section 22 of Chapter 83 of the Revised Code as amended and published in 1874 and as further amended and published in 1893, be and is hereby further amended as follows:

In the ninth line of said Section 22 after the word "Treasurer" and before the word "and" shall be inserted the words "or the attorney of said corporation duly constituted."

Approved April 3, A. D. 1901.

TITLE FIFTEENTH.

Of the Justices of the Peace.

CHAPTER 206.

GENERAL POWERS.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT A JUSTICE OF THE PEACE FOR KENT COUNTY TO RESIDE IN NORTH MURDERKILL HUNDRED, SEVENTH REPRESENTATIVE DISTRICT AT OR NEAR TO THE TOWN OF WOODSIDE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Governor be and he is hereby authorized and empowered to appoint a Justice of the Peace for Kent County who shall reside in North Murderkill Hundred, Seventh Representative District, at or near the town of Woodside.

Governor to
appoint a
Justice of the
Peace for
Kent county
in North Mur-
derkill Hun-
dred

Approved March 9, A. D. 1901.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 207.

OF THE COMMENCEMENT OF ACTIONS.

AN ACT PROVIDING FOR THE COMMENCEMENT OF ACTIONS EX-DELICTO BY FOREIGN ATTACHMENT PROCESS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Writ of
foreign at-
tachment
may be issued
in actions
ex-delicto

Section 1. That a writ of foreign attachment may be issued, in any action ex delicto, against any person, firm or corporation not an inhabitant of this State, after a return to a summons or **capias**, issued and delivered to the Sheriff or Coroner, ten days before the return thereof, showing that the defendant cannot be found, and proof satisfactory to the court, of the cause of action; or upon affidavit made by the plaintiff, or some other credible person, or any officer of any plaintiff corporation, and filed with the Prothonotary, that the defendant resides out of this State and that the plaintiff has a good cause of action in tort against the defendant or defendants and has been damaged in an amount exceeding one hundred dollars. And when there are two or more defendants, one a resident of this State, but without available means to pay the plaintiff's claim, the fact may be so stated in such affidavit, and the attachment thereon may issue against the non-resident defendant or defendants with the same effect as if such non-resident defendant or defendants was or were the only defendant in the cause.

Manner in
which writ
may be fram-
ed, directed,
&c.

Section 2. The said writ shall be framed, directed, issued, executed and returned, and like proceedings had as in cases of foreign attachments now authorized by law. Every such writ,

OF ATTACHMENTS.

issued under the provisions of this Act, shall have endorsed thereon by the plaintiff or his attorney the amount of bail to be taken in such action.

Any Prothonotary or other person taking bail in any proceedings under this Act shall require the person going bail to ^{Bail.} justify in the amount so endorsed on said writ.

Approved March 12, A. D. 1901.

 CHAPTER 208.

OF ATTACHMENTS.

AN ACT RELATING TO THE ATTACHMENT OF VESSELS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That ships and vessels of all kinds built, repaired, fitted, furnished and supplied with necessities for navigation within this State shall be subject to a lien for all debts contracted by the builders, owners, masters, agents or consignees thereof for work done, or materials and supplies found or provided in the building, repairing, fitting, furnishing, supplying or equipping of the same in preference to any other debt due from the builders, masters, owners, agents or consignees thereof, except for salvage, and that the same shall be a lien upon the said ship or vessel in the same manner as if the same had been furnished outside of this State, and in a port foreign to the home port of said ship or vessel.

Lien upon ships and vessels built within this State for work, supplies, &c.

Section 2. The lien aforesaid shall continue for and during the period of two years next after the work is done or the ma- Limit of lien

OF ATTACHMENTS.

terials or supplies are furnished or provided to said ship or vessel, and no longer.

Section 3. The lien for work done or materials and supplies furnished as aforesaid, shall exist in favor of all ship builders, ship chandlers, merchants, dealers, tradesmen and mechanics for all work done or materials and supplies furnished or provided in or about the building, repairing, fitting, furnishing, supplying or equipping of such ships or vessels.

Section 4. This Act shall be deemed and taken to be a public Act.

Approved February 25, A. D. 1901.

CHAPTER 209.

OF ATTACHMENTS.

AN ACT CONCERNING THE ATTACHMENT OF WAGES, AMENDING CHAPTER 542, VOLUME 16, LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Amendment
90 per cent. of
wages to be
exempt from
taxation

Section 1. That from and after the passage of this Act ten per centum of the amount of the wages for labor or services of any person residing within New Castle County shall be subject to and liable to mesne attachment process and execution attachment process under the laws of this State, for or on account of any debt created and incurred subsequent to the passage of this Act, thereby amending Section 1, Chapter 542, Volume 16, Laws of Delaware, as amended by Chapter 222, Volume 18, Laws of Delaware, and making the same to read "That on and after the passage of this Act, ninety per centum of the amount of the

OF ATTACHMENTS.

wages for labor or service of any person residing within New Castle County, shall be exempt from mesne attachment process, and execution attachment process, under the laws of this State. (Except where the said execution attachment process is for board or lodging or both, as the case may be, and for an amount not exceeding fifty dollars exclusive of costs.)

Section 2. That the provisions of this Act as to the liability to attachment process of ten per centum of wages for any debt, shall apply solely to debts incurred for or on account of the purchase of food, provisions and articles used in the home, commonly designated as the necessities of life. Provisions of act limited to necessities of life

Section 3. That on any amount of wages due for a stated and regular period (not exceeding one month) for the payment of such wages, only one attachment may be made, and any creditor causing such attachment to be made shall have the benefit of his priority, and further provided that the garnishee in any attachment made under the provisions of this Act shall be paid the sum of fifteen cents, and that the total liability of the debtor for costs under any attachment laid in accordance with the provisions of this Act shall not exceed the sum of ninety cents, provided however that said costs incurred in the laying of any attachment under this act shall be paid out of the whole amount of said wages attached notwithstanding the provisions of Section 1 of this Act exempting ninety per centum of wages. Only one attachment
Priority of attachment

Approved February 19, A. D. 1901.

OF THE SURVIVENCY OF ACTIONS.

CHAPTER 210.

OF THE SURVIVENCY OF ACTIONS.

AN ACT TO AMEND "AN ACT IN RELATION TO INJURIES OR DEATH OCCASIONED BY UNLAWFUL VIOLENCE OR NEGLIGENCE," BEING CHAPTER 31, VOLUME 13 OF THE LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Amendment
allowing
widower or
legal repre-
sentative to
maintain suit

Section 1. That Section 2 of Chapter 31, Volume 13, of the Laws of Delaware, entitled "An Act in relation to injuries or death occasioned by unlawful violence or negligence," passed at Dover, January 26, 1866, be and the same is hereby amended by striking out all that part of said Section after the word "Widow," in the third line, and inserting in lieu thereof the following "or Widower of any such deceased person, or if there be no widow or widower the personal representatives may maintain an action for and recover damages for the death and loss thus occasioned."

Approved March 9, A. D. 1901.

OF JUDGMENTS.

CHAPTER 211.

OF JUDGMENTS.

AN ACT PROVIDING FOR THE SATISFACTION OF MORTGAGES AND JUDGMENTS WHERE THE MORTGAGEE OR OBLIGEE, OR THEIR EXECUTORS, ADMINISTRATORS OR ASSIGNS, REFUSE OR NEGLECT TO ENTER SUCH SATISFACTION WITHIN SIXTY DAYS AFTER SAID MORTGAGES OR JUDGMENTS HAVE BEEN PAID.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That in all cases where mortgages or judgments are liens on real estate in this State and the same have been paid and the mortgagee or obligee or their executors, administrators or assigns shall refuse or neglect to enter satisfaction of such mortgage or judgment on the record thereof in the office where the same is recorded or entered, within sixty days after the payment thereof, the mortgagor or obligor or their heirs or assigns may, upon sworn petition to the Superior Court of the County in which such mortgage or judgment is recorded or entered, setting forth the facts, obtain from such court a rule on the said mortgagee or obligee or their executors, administrators or assigns, returnable at such time as said Court may direct, requiring such mortgagee or obligee or their executors, administrators or assigns to appear on the day fixed by said Court and show cause, if any they have, why such mortgage or judgment shall not be marked satisfied on the record thereof. Such rule shall be served as is now provided by law for service of writs of Scire Facias. In case the mortgagee or obligee or their executors, administrators or assigns reside out of the State and cannot be served, the rule shall be continued and a copy thereof shall be published by the Sheriff in a newspaper of the County once each week for four successive weeks and upon proof of such advertisement by affidavit of the Sheriff made at the time to which such rule was continued shall be deemed and considered sufficient service of such rule.

Neglect or refusal of mortgagee, &c., to satisfy mortgages when paid

Mortgagor, &c., may obtain rule from Superior Court to show cause, &c.,

Service of rule

OF JUDGMENTS.

Return of rule Section 2. That upon the return of said rule if the court shall be satisfied from the evidence produced that such mortgage or judgment, together with all interest and costs due thereon, has been satisfied and paid, said rule shall be made absolute and said court shall order and decree that said mortgage or judgment is paid and satisfied and shall order and direct the Recorder of Deeds or the Prothonotary in whose office such mortgage or judgment is entered to enter on the record thereof full and complete satisfaction thereof.

Order and decree of court

Section 3. All costs of such proceedings and satisfaction shall be paid as the court shall direct.

Approved March 9, A. D. 1901.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 212.

OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT TO PREVENT KIDNAPPING.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. Every person who shall maliciously forcibly or fraudulently lead, take or carry away, or decoy, or entice away any male or female child under the age of fifteen with intent to detain and conceal such child from its parents, guardian or other persons having the lawful charge of such child shall be deemed guilty of a felony, and upon conviction shall suffer death, or be imprisoned for life, at the discretion of the court; provided always that the provisions of this Act shall not apply where parents abduct their own children.

Kidnapping a felony
Penalty
Exception

Section 2. Every person who shall, upon conviction, be found to be an accessory, before or after the fact of the crime set forth in Section 1 of this Act, shall be subject to the same penalties prescribed in said Section 1.

Accessories to the crime
Penalty

Section 3. That an indictment for and trial of the crime set forth in the preceding sections of this Act may be found and had either in the County where such crime commenced or in any County of this State through which such child may be carried, taken or decoyed as aforesaid.

Indictment in any county

Approved March 2. A. D. 1901.

OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 213.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT IN RELATION TO THE EMBEZZLEMENT OR MISAPPLICATION OF
MONEY OR TRUST FUNDS.

*Be it enacted by the Senate and House of Representatives in General
Assembly met :*

Act providing
against misap-
propriation of
funds

Section 1. That if any Executor or Administrator, Justice of the Peace, Constable or Attorney at Law receive or collect any money for or on account of any person or persons, estate or corporation, and shall wilfully and fraudulently misapply or convert to his own use the money so received or collected, he shall be guilty of a misdemeanor and shall on conviction thereof be imprisoned for a term not less than one year nor more than five years.

Penalty

Not to impair
civil action

Section 2. A prosecution under Section 1 of this Act shall in no way impair or interfere with any civil action that may lie against the wrong-doer or his surety.

Approved March 9, A. D. 1901.

OF OFFENSES AGAINST PRIVATE PROPERTY.

CHAPTER 214.

OF OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT PROVIDING FOR THE PUNISHMENT OF DEFENDANTS IN EXECUTION OR ATTACHMENT PROCESS WHO REMOVE FROM THE COUNTY PROPERTY LEVIED UPON OR SEIZED UNDER SUCH EXECUTION OR ATTACHMENT PROCESS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act any person or persons who without consent of the plaintiff or creditor in execution or attachment process shall secrete, destroy or remove from the County where it is situated when levied upon or seized any property levied on or seized under execution or attachment process shall be guilty of a misdemeanor, and upon conviction therefor shall be fined in a sum equal to the value of the property secreted, destroyed or removed and shall also be imprisoned for a term not exceeding one year.

Removal of
property under
execution
process

Penalty

Approved February 25, A. D. 1901.

OF OFFENCES AGAINST PUBLIC POLICY.

CHAPTER 215.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT FOR THE SUPPRESSION OF GAMBLING BY MEANS OF SLOT MACHINES, OR OTHER DEVICES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Slot machines
and other de-
vices a mis-
demeanor

Section 1. That the use of Slot Machines or other devices by which the placing or dropping of coins into slots, holes or crevices, with or without other action on the part of any person, causes coins to issue from such machine, shall be deemed and considered gambling under Section 17 of Article 2 of the Constitution of Delaware, and any person or persons, or agent, employee or representative of any firm or corporation who shall keep, manage, maintain or exhibit such machine or other device shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars or be imprisoned for a term of not less than thirty days at the discretion of the court.

Penalty

Approved February 18, A. D. 1901.

OF OFFENCES AGAINST PUBLIC POLICY.

CHAPTER 216.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT FOR THE PROTECTION OF BIRDS AND THEIR NESTS AND EGGS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. No person shall, within the State of Delaware, kill or catch or have in his or her possession, living or dead, any wild other than a game bird, nor shall purchase, offer, or expose for sale any such wild bird after it has been killed or caught. Birds, &c., not to be killed or had in possession

For the purposes of this Act, the following only shall be considered game birds: The Anatidae, commonly known as swans, geese, brant and river and sea ducks; the Rallidae, commonly known as rails, coots, mud-hens and gallinules; the Limicolas, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tatlers and curlews; the Gallinae, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges and quails; also the reed bird of the Icteridae. Birds included for the purpose of this Act

Section 2. No person shall, within the State of Delaware, take or needlessly destroy the nests or eggs of any wild bird, nor shall have such nests or eggs in his or her possession. As to nests and eggs

Section 3. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor, and shall be liable to a fine of five dollars for each offense, and an additional fine of five dollars for each bird, living or dead, or part of bird, or nest or eggs possessed in violation of this Act, or to imprisonment for ten days, or both, at the discretion of the court. Misdemeanor Penalty

Section 4. Sections 1, 2 and 3 of this Act shall not apply to any person holding a certificate giving the right to take birds and their nests and eggs for scientific purposes, as provided for in Section 5 of this Act. Limitations

Section 5. Certificates may be granted by the Associate Judge resident in each county, or by any incorporated society of Certificates

OF OFFENCES AGAINST PUBLIC POLICY.

Bond natural history in the State, through such persons or officers as said society may designate, to any properly accredited person of the age of fifteen years or upward, permitting the holder thereof to collect birds, their nests or eggs, for strictly scientific purposes only. In order to obtain such certificate, the applicant for the same must present to the person or persons having power to grant said certificate, written testimonials from two well-known scientific men, certifying to the good character and fitness of said applicant to be intrusted with such privilege; must pay to said persons or officers one dollar to defray the necessary expenses attending the granting of such certificates; and must file with said persons or officers a properly executed bond, in the sum of two hundred dollars, signed by two responsible citizens of the State as sureties. This bond shall be forfeited to the State, and the certificate become void, upon proof that the holder of such a certificate has killed any bird, or taken the nest or eggs of any bird, for other than the purposes named in Sections 4 and 5 of this Act, and shall be further subject for each such offense to the penalties provided therefor in Section 3 of this Act.

Term of certificate Section 6. The certificates authorized by this Act shall be in force for one year only from the date of their issue, and shall not be transferable.

Exceptions Section 7. The English or European house sparrow (*Passer domesticus*), the red wing blackbird, the purple grackle, sometimes known as the crow blackbird, are not included among the birds protected by this Act; nor shall this Act prohibit any person from killing any bird on his own premises, when in the act of destroying his grain, fruit, berries or poultry; such birds so killed shall not be offered for sale.

Arbor and bird day Section 8. The Governor is hereby authorized to set apart each year by proclamation one day to be designated as Arbor and bird day, and to request its observance by all public schools, private schools, colleges and other institutions, by the planting of trees and the adornment of the school and public grounds and by suitable exercises, having for their object the advancement of the study of arbor culture and promotion of the spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them.

Section 9. All acts or parts of acts, heretofore passed, in-

MISCELLANEOUS.

consistent with or contrary to the provisions of this Act, are hereby repealed.

Approved March 9, A. D. 1901.

CHAPTER 217.

OF CORPORATE SURETYSHIP.

AN ACT TO AMEND CHAPTER 694, VOLUME 18, LAWS OF DELAWARE, IN RELATION TO CORPORATE SURETYSHIP AND FOREIGN SURETY COMPANIES, PERMITTING SURETY COMPANIES TO BECOME SURETY ON BONDS OF STATE, COUNTY AND MUNICIPAL OFFICERS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 694, Volume 18, Laws of Delaware, be and the same is hereby amended by inserting between the words "public and private official bonds" at the end of line 8 of Section 3 of said chapter, and the words "and cases pending" in line 9 of said section, the following: "including bonds of all State, County and Municipal officers." Corporate suretyship for State, county and Municipal officers

Approved March 9, A. D. 1901.

RESOLUTIONS.

CHAPTER 218.

SENATE JOINT RESOLUTION NO. 1, CONVENING THE SENATE AND HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE OF THE SESSION COMMENCING ON THE FIRST TUESDAY IN JANUARY, A. D. 1901, IN JOINT SESSION FOR THE PURPOSE OF ASCERTAINING AND CERTIFYING THE VOTES GIVEN FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR, RESPECTIVELY, AT THE GENERAL ELECTION HELD IN THE STATE OF DELAWARE, ON THE TUESDAY NEXT AFTER THE FIRST MONDAY IN THE MONTH OF NOVEMBER, A. D. 1900.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Senate joint
resolution
convening
Senate and
House of Rep-
resentatives

That the members of the Senate and the members of the House of Representatives of the General Assembly of the State of Delaware of the session commencing on the first Tuesday in the month of January in the year A. D. 1901, assemble in the Hall of said House of Representatives, at eleven o'clock A. M., on Tuesday, the eighth day of January, A. D. 1901, to be present at the opening and publishing according to the Constitution of this State of the returns or certificates of the General Election held in the several Counties of this State, on the Tuesday next after the first Monday in the month of November, A. D. 1900, for the offices of Governor and Lieutenant Governor, respectively, and that two tellers be appointed, to wit, one on the part of the Senate and one on the part of the House of Representatives to make a list of the votes cast, as the same shall appear and be published from said returns.

Approved January 7, A. D. 1901.

RESOLUTIONS.

CHAPTER 219.

JOINT RESOLUTION CONVENING THE TWO HOUSES FOR THE PURPOSE OF
ATTENDING THE GOVERNOR-ELECT, WHILE THE AFFIRMATIONS OF
OFFICE ARE ADMINISTERED TO HIM.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met; that the two Houses convene in joint session in the House of Representatives at 11.30 o'clock A. M. on Tuesday, January 15, 1901, for the purpose of attending the Governor-elect while the affirmations of office are administered to him.

Approved January 15, A. D. 1901.

RESOLUTIONS.

CHAPTER 220.

JOINT RESOLUTION IN RELATION TO THE EMPLOYMENT OF COUNSEL.

Whereas it is essential and necessary that certain laws should be enacted by the General Assembly of the State of Delaware at its present session and certain other laws now in existence should be amended in order that the provisions of the New Constitution of this State, adopted on the 4th day of June, 1897, should in certain particulars be fully and consistently carried out; and

Whereas, during the present session of the General Assembly of this State occasion will from time to time arise requiring the preparation and formulation of bills necessary and proper to be enacted into laws to meet the demands of the public generally. Now, therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

House joint
resolution in
relation to em-
ployment of
counsel

That Frank H. Davis, Philip Q. Churchman and James H. Hughes, Attorneys at Law, be and they are hereby appointed to prepare and formulate such bills and amendments to existing laws as may be necessary and proper to be enacted into laws in order to meet the requirements of the New Constitution, and also such other bills as the General Assembly may from time to time request.

And be it further Resolved that the compensation of said attorneys be fixed by the Committee on Claims of the Senate and House of Representatives.

Approved January 21, A. D. 1901.

RESOLUTIONS.

CHAPTER 221.

HOUSE JOINT RESOLUTION NO. 1, AUTHORIZING THE ADJUTANT GENERAL TO HAVE PRINTED 500 COPIES OF HIS LAST REPORT, 300 TO BE BOUND IN CLOTH AND 200 TO BE BOUND IN PAPER.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Adjutant General be and he is hereby authorized to have printed under his supervision 500 copies of his last report, 300 of said copies to be bound in cloth and 200 of said copies to be bound in paper. Adjutant General's Report

Approved January 21, A. D. 1901.

RESOLUTIONS.

CHAPTER 222.

HOUSE JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMITTEE TO ARRANGE FOR THE INAUGURATION OF THE GOVERNOR AND LIEUTENANT GOVERNOR ELECT OF THIS STATE ON TUESDAY THE FIFTEENTH DAY OF JANUARY, A. D. 1901.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

House joint
resolution for
appointment
of committee
for inaugura-
tion of Gover-
nor and Lieut-
enant-Gover-
nor

That a Committee of Three on the part of the Senate and five on the part of the House of Representatives be appointed by the Presiding Officers of the respective Houses, whose duties it shall be to arrange for the Inauguration of the Governor and Lieutenant Governor elect of this State on Tuesday, the fifteenth day of January, A. D. 1901.

Approved January 21, A. D. 1901.

RESOLUTIONS.

CHAPTER 223.

JOINT RESOLUTION IN RELATION TO STATIONERY, ETC , FOR THE ATTORNEYS.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the State Librarian be and he is hereby authorized and instructed to furnish the necessary stationery and supplies to the Attorneys for the General Assembly.

Housejoint resolution in relation to stationery for attorneys

Approved January 22, A. D. 1901.

CHAPTER 224.

JOINT RESOLUTION AUTHORIZING THE COMMITTEES ON PRINTING IN THE SENATE AND HOUSE OF REPRESENTATIVES TO HAVE TWO THOUSAND COPIES OF THE REPORT OF THE STATE BOARD OF EDUCATION AND THE ACCOMPANYING REPORTS AND STATISTICS PRINTED.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Committees on Printing in the Senate and House of Representatives be and they are hereby authorized to have printed two thousand copies of the report of the State Board of Education and the accompanying reports and statistics for distribution.

Joint resolution providing printing of report of State Board of Education

Approved January 22, A. D. 1901.

RESOLUTIONS.

CHAPTER 225.

SENATE JOINT RESOLUTION, PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINT A COMMITTEE OF TWO ON THE PART OF THE SENATE TO ACT WITH A COMMITTEE OF THREE ON THE PART OF THE HOUSE, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE TO SETTLE WITH THE STATE TREASURER AND STATE AUDITOR.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Senate joint
resolution pro-
viding for
Committee to
settle with
State Treasur-
er and State
Auditor

That the President pro tempore of the Senate is hereby authorized to appoint a committee of two on the part of the Senate to act with a committee of three on the part of the House, to be appointed by the speaker of the House, to settle with the State Treasurer and State Auditor.

Approved January 23, A. D. 1901.

CHAPTER 226.

JOINT RESOLUTION IN RELATION TO ADJOURNMENT.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Adjournment

That when the two Houses adjourn it be until Monday, the fourteenth day of January, A. D. 1901, at 12 o'clock noon.

Approved January 23, A. D. 1901.

RESOLUTIONS.

CHAPTER 227.

SENATE JOINT RESOLUTION, PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINT A COMMITTEE OF TWO ON THE PART OF THE SENATE TO ACT WITH A COMMITTEE OF THREE ON THE PART OF THE HOUSE, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE, TO SETTLE WITH THE SECRETARY OF STATE.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the President pro tempore of the Senate is hereby authorized to appoint a Committee of Two on the part of the Senate to act with a Committee of Three on the part of the House, to be appointed by the Speaker of the House to settle with the Secretary of State.

Senate joint
resolution
providing
Committee
to settle with
Secretary of
State

Approved January 23, A. D. 1901.

RESOLUTIONS.

CHAPTER 228.

SENATE JOINT RESOLUTION, PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINT A COMMITTEE OF TWO ON THE PART OF THE SENATE, TO ACT WITH A COMMITTEE OF THREE ON THE PART OF THE HOUSE, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE, TO SETTLE WITH THE STATE LIBRARIAN.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Senate joint
resolution pro-
viding Com-
mittee to settle
with State Lib-
rarian

That the President pro tempore of the Senate is hereby authorized to appoint a Committee of Two on the part of the Senate to act with a Committee of Three on the part of the House, to be appointed by the Speaker of the House, to settle with the State Librarian.

Approved January 23, A. D. 1901.

RESOLUTIONS.

CHAPTER 229.

JOINT RESOLUTION AUTHORIZING FORMER GOVERNOR EBE W. TUNNELL TO PAY TO THE STATE TREASURER SEVENTEEN THOUSAND SEVEN HUNDRED AND SEVENTY DOLLARS AND EIGHTY-THREE CENTS (\$17,770.83) THE BALANCE NOW IN HIS HANDS FROM MONEYS REFUNDED BY THE FEDERAL GOVERNMENT FOR EXPENSES INCURRED IN RAISING REGIMENT FOR SPANISH WAR.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That former Governor Ebe W. Tunnell be and he is hereby authorized to pay to the State Treasurer the sum of Seventeen thousand seven hundred and seventy dollars and eighty-three cents (\$17,770.83), being the balance of the moneys now in his hands refunded to him by the Federal Government for part of the expenses incurred by the State in equipping the regiment for the Spanish War.

House joint resolution authorizing Ebe W. Tunnell to pay to State Treasurer moneys refunded by Federal Government

Approved January 25, A. D. 1901.

RESOLUTIONS.

CHAPTER 230.

JOINT RESOLUTION REQUESTING THE SENATOR AND REPRESENTATIVE IN CONGRESS FROM THE STATE OF DELAWARE IF IN THEIR JUDGMENT THEY CAN WISELY DO SO, TO SUPPORT A BILL FOR THE PURCHASE OF TEMPLE FARM AND MOORE HOUSE AT YORKTOWN, VIRGINIA, BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA. PROVIDED THAT THE COST OF SAID FARM WITH ITS IMPROVEMENTS SHALL NOT EXCEED A REASONABLE SUM, AND THAT PROPERLY ATTESTED COPIES OF THESE RESOLUTIONS BE SENT TO THE SENATOR AND REPRESENTATIVE IN CONGRESS FROM THIS STATE.

Whereas, the Moore House and Temple Farm upon which it is situated at Yorktown, Va., will carry with them through all time memories of the siege and victory, by which the allied armies of France and the American colonies secured the independence of our nation, and

Whereas, it is reported that the property can at this time be bought for a nominal sum, and it is believed that the product of the farm will be sufficient to keep the buildings in repair, and the buildings are so situated as to be well adapted for Government purposes, on occasions of naval inspection and reviews on York River;

Therefore, be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Senate joint resolution in relation to purchase of Temple Farm at Yorktown, Va.

That the Senator and Representative in Congress from this State be, and they are hereby requested to consider and if in their judgment they can wisely do so, to support a bill for the purchase of Temple Farm and Moore House at Yorktown, Va., by the Government of the United States of America; Provided, that the cost of said farm with its improvements shall not exceed a reasonable sum.

And be it Resolved, that properly attested copies of this resolution be sent to the Senator and Representative in Congress from this State.

Approved January 25, A. D. 1901.

RESOLUTIONS.

CHAPTER 231.

JOINT RESOLUTION APPOINTING A JOINT COMMITTEE CONSISTING OF TWO ON THE PART OF THE SENATE, AND THREE ON THE PART OF THE HOUSE TO EXAMINE THE CATALOGUE OF THE STATE LIBRARY, PREPARED UNDER CHAPTER 161, VOLUME 21, LAWS OF DELAWARE.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That a Joint Committee consisting of two on the part of the Senate, to be appointed by the President of the Senate, and three on the part of the House, to be appointed by the Speaker of the House, be and it is hereby authorized to examine the catalogue of the State Library made by Thomas W. Jefferson, State Librarian, by authority of Chapter 161, of Volume 21, Laws of Delaware; and if said committee approve of said catalogue to fix the proper compensation to be paid said Librarian for his services in making such catalogue, and report their finding and action to the respective Houses.

Senate joint resolution providing Committee to examine catalogue of State Library

Approved February 6, A. D. 1901.

RESOLUTIONS.

CHAPTER 232.

JOINT RESOLUTION FIXING THE DATE FOR THE ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Senate joint
resolution
adjournment
sine die

That both Houses of the General Assembly adjourn sine die on Friday, the first day of March, A. D. 1901, at 3 o'clock P. M.

Amend by striking out the word "first" in the second line, and inserting in lieu thereof the word "eighth."

Approved February 12, A. D. 1901.

CHAPTER 233.

JOINT RESOLUTION AUTHORIZING L. H. BALL, LATE STATE TREASURER, TO HAVE PRINTED FIVE HUNDRED COPIES OF HIS BI-ENNIAL REPORT, TWO HUNDRED AND FIFTY OF WHICH SHALL BE BOUND.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Senate joint
resolution
authorizing
printing of
State Treas-
urer's biennial
report

That L. H. Ball, the retiring State Treasurer, be and he is authorized to have printed five hundred copies of his bi-ennial report, two hundred and fifty of which shall be bound.

Approved February 6, A. D. 1901.

OF RESOLUTIONS.

CHAPTER 234.

JOINT RESOLUTION FIXING THE TIME BEYOND WHICH NEW BUSINESS
WILL NOT BE RECEIVED BY THE PRESENT SESSION OF THE GEN-
ERAL ASSEMBLY.

*Be it resolved by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

That no new business will be received by either House of the
General Assembly after Friday, the fifteenth day of February,
A. D. 1901.

Senate joint
resolution
naming last
day for receipt
of new busi-
ness

Amend the Resolution by striking out the words "new busi-
ness will be received" in the first line and by inserting in lieu
thereof the words "no bill of any kind except appropriation bills
shall be introduced."

Further amend by striking out the words "Friday the fif-
teenth" in line two and by inserting in lieu thereof the words
"Wednesday the twentieth."

Approved February 12, A. D. 1901.

RESOLUTIONS.

CHAPTER 235.

JOINT RESOLUTION RATIFYING CERTAIN AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Senate joint
resolution rati-
fying certain
amendments
to Constitu-
tion of United
States.

That the following amendments to the Constitution of the United States be and the same are hereby ratified and confirmed.

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

ARTICLE XIII.

Article XIII of
Constitution
of United
States

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

Article XIV of
Constitution
of United
States

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is

RESOLUTIONS.

denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State to support the Constitution of the United States shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

But Congress may by a vote of two-thirds of each House remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slaves; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude. Article XV of Constitution of United States

Section 2. That Congress shall have power to enforce this article by appropriate legislation.

Approved February 12, A. D. 1901.

RESOLUTIONS.

CHAPTER 236.

SENATE JOINT RESOLUTION NO. 10.

Senate Joint
Resolution
authorizing
Librarian to
purchase copy
of Webster's
Directory

* Authorizing the Librarian to purchase for the library a copy of Webster's Dictionary for the use of the State.

Approved February 12, A. D. 1901.

CHAPTER 237.

JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMITTEE OF THREE ON THE PART OF THE HOUSE AND TWO ON THE PART OF THE SENATE TO CONSIDER THE CONDITION OF MILITARY AFFAIRS IN THE STATE.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

House Joint
Resolution
authorizing
appointment
of committee
to consider
military af-
fairs

That a committee consisting of two on the part of the Senate, to be appointed by the President of the Senate, and three on the part of the House to be appointed by the Speaker of the House, be and the same is hereby appointed to take into consideration the condition of military affairs in this State. Said committee shall confer with the Governor and the Adjutant General and make a report to the General Assembly of the result of their investigation and recommend such legislation as they shall deem necessary.

Approved February 12, A. D. 1901.

*Printed as enrolled.

RESOLUTIONS.

CHAPTER 238.

JOINT RESOLUTION PERMITTING FORMER ADJUTANT GENERAL GARRETT J. HART TO RETAIN HIS SWORD.

Whereas, former Adjutant General Garrett J. Hart served the State on the military staff of three Governors, and

Whereas, unless some action be taken he will be compelled to relinquish the sword worn by him during that long service;

Therefore, be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That, as a mark of appreciation of such service to the State, he be permitted to retain his sword, and that sole ownership of the same rest in him.

Approved February 18, A. D. 1901.

Senate Joint
Resolution
permitting
former Adjutant
General
Garrett J. Hart
to retain his
sword

RESOLUTIONS.

CHAPTER 239.

HOUSE JOINT RESOLUTION.

House Joint
Resolution ap-
pointing com-
mittee to con-
fer with Insur-
ance Commis-
sioner

Resolved, that a Committee of Five be appointed, three on the part of the House, to be appointed by the Speaker of the House, and two on the part of the Senate, to be appointed by the President of the Senate, to confer with the Insurance Commissioner concerning needed legislation, and to make a report of their conclusions to the General Assembly.

Approved February 19, A. D. 1901.

CHAPTER 240.

JOINT RESOLUTION APPOINTING DIRECTORS ON THE PART OF THE STATE FOR THE FARMERS' BANK OF THE STATE OF DELAWARE, AT DOVER.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Senate Joint
Resolution ap-
pointing direc-
tors for Far-
mers' Bank at
Dover

That the following named persons be and they are hereby appointed Directors of the Farmers' Bank of the State of Delaware, at Dover, on the part of the State:

Thomas C. Roe, George H. Murray and Charles W. Lord.

Approved February 21, A. D. 1901.

RESOLUTIONS.

CHAPTER 241.

JOINT RESOLUTION APPOINTING DIRECTORS ON THE PART OF THE
STATE FOR THE FARMERS' BANK OF THE STATE OF DELAWARE,
AT GEORGETOWN.*Be it resolved by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

That the following named persons be and they are hereby
appointed Directors of the Farmers' Bank of the State of Dela-
ware, at Georgetown, on the part of the State:

Senate Joint
Resolution ap-
pointing direc-
tors for Far-
mers' Bank at
Georgetown

Hiram R. Burton, John G. Townsend, Jr., and Emory B.
Riggen.

Approved February 21, A. D. 1901.

RESOLUTIONS.

CHAPTER 242.

JOINT RESOLUTION APPOINTING A JOINT COMMITTEE TO MAKE ARRANGEMENTS TO ATTEND THE INAUGURATION OF PRESIDENT-ELECT MCKINLEY.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Senate Joint
Resolution to
appoint com-
mittee of ar-
rangements
to attend
the inaug-
uration of Pre-
sident McKin-
ley

That a Committee of Two on the part of the Senate and Three on the part of the House be appointed to make suitable arrangements for the respective bodies to attend the Inauguration of President-elect McKinley.

Approved February 21, A. D. 1901.

CHAPTER 243.

JOINT RESOLUTION APPOINTING DIRECTORS FOR THE FARMERS' BANK OF THE STATE OF DELAWARE FOR THE BRANCH AT WILMINGTON.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

House Joint
Resolution ap-
pointing direc-
tors for Far-
mers' Bank at
Wilmington

That James Megary, Edmund Mitchell and Henry C. Conrad be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the Branch at Wilmington.

Approved February 22, A. D. 1901.

RESOLUTIONS.

CHAPTER 244.

JOINT RESOLUTION RELATING TO THE CONTROVERSY CONCERNING
THE BOUNDARY LINE BETWEEN THE STATES OF NEW JERSEY
AND DELAWARE.

Whereas, the Governor has communicated to the General Assembly a report of the Attorney General respecting the present condition of the litigation pending in the Supreme Court of the United States between this State and the State of New Jersey, concerning the boundary between said States, and has thereon recommended action by this General Assembly in that behalf;

And Whereas, this General Assembly is desirous to maintain the claims of this State set forth in the Joint Resolution passed January 26th, 1877, to exclusive jurisdiction over that portion of the Delaware River which is included within the circle of twelve miles radius, taking the Court House in the City of New Castle as a central point; therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Attorney General and such of the special counsel heretofore appointed to assist him as are now free to act in said behalf, he and they are hereby instructed to maintain the defense of said suit, and they are hereby authorized to take such steps therefor as may be necessary.

House Joint
Resolution re-
lating to con-
troversy as to
boundary line
between the
States of New
Jersey and
Delaware

Approved February 26, A. D. 1901.

RESOLUTIONS.

CHAPTER 245.

JOINT RESOLUTION TO AMEND A JOINT RESOLUTION, ENTITLED "JOINT RESOLUTION AUTHORIZING THE PUBLICATION OF THE REPORTS OF THE CHANCELLOR," BY AUTHORIZING THE PUBLICATION THEREWITH OF APPEALS FROM THE CHANCELLOR.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Senate Joint
Resolution
amending
joint resolution
authorizing publica-
tion of appeals
in Chancellor's
reports

That a Joint Resolution authorizing the publication of the Reports of the Chancellor, being Chapter 223, Volume 14, Laws of Delaware, and published on Page 44, of the Revised Code as amended, etc., in 1893, be, and the same is hereby amended by inserting after the word "information" in the third line of Section 1 of the said Joint Resolution the words following, to wit: "and shall also collect and publish therewith all cases decided on appeal from the Court of Chancery."

Approved March 2, A. D. 1901.

RESOLUTIONS.

CHAPTER 246.

JOINT RESOLUTION APPROPRIATING CERTAIN MONEY OUT OF THE STATE
TREASURY OF THIS STATE TO PAY CERTAIN EXPENSES CONNECTED
WITH THE PRESENT SESSION OF THE GENERAL ASSEMBLY.

*Be it resolved by the Senate and House of Representatives of the State of
Delaware in General Assembly met :*

That the several sums of money hereinafter named be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following expenses connected with the present session of the General Assembly, and the State Treasurer is hereby authorized and directed to pay the same in the following sums, to wit:

James H. Hughes, services as Attorney for the General Assembly, as fixed by Committee on Claims, \$800.00.

Philip Q. Churchman, services as Attorney for the General Assembly, as fixed by the Committee on Claims, \$800.00.

Frank H. Davis, services as Attorney for the General Assembly, as fixed by the Committee on Claims, \$800.00.

Approved April 3, A. D. 1901.

Titles of Private Acts.

EXCLUDED FROM PUBLICATION.

CHAPTER 247.

An Act to change the name of John Haug to the name of John Rex.

Approved February 6, A. D. 1901.

CHAPTER 248.

An Act to change the name of William Haug to William Rex.

Approved February 6, A. D. 1901.

CHAPTER 249.

An Act to Incorporate "Diamond State Trust Company."

Approved February 13, A. D. 1901.

CHAPTER 250.

An Act to Incorporate the Delaware Guarantee and Trust Company.

Approved March 2, A. D. 1901.

TITLES OF PRIVATE ACTS.

CHAPTER 251.

An Act to change the name of Lulu Blocksom to Lulu Blocksom Dashiell.

Approved March 9, A. D. 1901.

CHAPTER 252.

An Act to Incorporate The Milford Trust Company.

Approved March 12, A. D. 1901.

CHAPTER 253.

An Act to change the name of Solomon J. Baeringer to George J. Baeringer.

Approved March 15, A. D. 1901.

SECRETARY'S OFFICE,

DOVER, DELAWARE, AUGUST 22, 1901.

In obedience to the provisions and directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and Journals," I have collated with and corrected by the original rolls now in the office of the Secretary of State and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at the regular biennial session commenced on Tuesday the first day of January, A. D. 1901, and approved by the Governor.

The words between brackets throughout the work are inserted to complete the sense in the original rolls. Words and sentences marked with asterisks are printed as they appear on the enrolled bills.

CALEB R. LAYTON,
Secretary of State.

ERRATUM.

The word "finding" wherever it occurs in Chapter 167, Section 54, on page 306, should be "filing."

LAWS
OF THE
STATE OF DELAWARE

PASSED
AT A SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 6th, A. D. 1903

AND

**IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND TWENTY-SEVENTH.**

VOLUME XXII—PART II.

1903 :
THE SENTINEL PRINTING COMPANY,
DOVER, DEL.

LAWS OF DELAWARE.

CHAPTER 254.

AMENDMENTS TO THE CONSTITUTION.

AN ACT PROPOSING AMENDMENTS TO ARTICLE 9 OF THE CONSTITUTION OF THE STATE OF DELAWARE CONCERNING CORPORATIONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each House agreeing):

Section 1. That the following amendments be and the same are hereby proposed to Article 9 of the Constitution of this State:

First. That all of Section 3 of Article 9 of the Constitution of this State after the word "Corporation," where it occurs the second time in Section 3, be stricken out. Stock, how issued.

Section 2. That Section 6 of said Article 9 be stricken out and in lieu thereof substitute and adopt the following, viz.:

"Section 6. Shares of the capital stock of corporations created under the laws of this State, when owned by persons or corporations without this State, shall not be subject to taxation by any law now existing or hereafter to be made." Stock owned without this State not subject to taxation.

Approved March 17, A. D. 1903.

TITLE FIRST.

Of the Jurisdiction and Property of the State; Its Legislation and Laws.

CHAPTER 255.

OF LIMITS.

AN ACT TO CHANGE THE VOTING PLACE IN THE SECOND ELECTION DISTRICT OF THE ELEVENTH REPRESENTATIVE DISTRICT IN NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Voting place in
2d Election Dis-
trict of 11th
Rep. District to
be at Kirkwood
Hotel.

Section 1. That after the approval of this Act all persons entitled to vote at any general or special election in the Second Election District of the Eleventh Representative District in New Castle County, shall vote at the public house of William Smith, at Kirkwood, known as the Kirkwood Hotel, in said District.

Section 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 24, A. D. 1903.

OF THE STATE LIBRARY.

CHAPTER 256.

OF THE STATE LIBRARY.

AN ACT TO AMEND CHAPTER 5, VOLUME 21, OF THE LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND CHAPTER 6, VOLUME 17, LAWS OF DELAWARE, ENTITLED "AN ACT TO ESTABLISH THE STATE LIBRARY," BY INCREASING THE ANNUAL APPROPRIATION FOR THE PURPOSE OF PURCHASING JUDICIARY REPORTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 2 of Chapter 5, Volume 21, of the Laws of Delaware be and the same is hereby amended by striking out in the fifth line of said Section the word "three" and inserting in lieu the word "five." ^{Increase of appropriation.}

Approved April 16, A. D. 1903.

OF THE PASSING AND PUBLICATION OF LAWS.

CHAPTER 257.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT TO REVIVE AND EXTEND THE TIME OF RECORDING PRIVATE ACTS.

Preamble.

Whereas, by Section 3 of Chapter 4 of the Revised Statutes of the State of Delaware, it is provided that private statutes, namely, such as are not of a public nature or published as such, shall be recorded in the Recorder's Office in one of the counties of this State within twelve months after their passage or they shall be void; and

Preamble.

Whereas, a number of the private and unpublished acts heretofore passed have been allowed to become void through various causes; therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

Private acts revived.

Section 1. That all unpublished acts heretofore passed that have become void on account of not being duly recorded in compliance with the provisions aforesaid and that have not, by special acts, been repealed or become void by lapse of the time for which they were limited, be and the same are hereby revived, renewed and re-enacted and, together with the provisions therein contained, are respectively declared to be in full force for the period mentioned in the original acts, and all acts and transactions done and performed under the provisions of said acts respectively, shall have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded, according to law. Provided that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof procured of the Secretary

Exception.

OF THE PASSING AND PUBLICATION OF LAWS.

of State shall be duly recorded in the Recorder's Office of one of the counties of this State; and provided further that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this Act.

Section 2. That this Act shall be deemed and taken to be a public Act and published as such.

Approved March 13, A. D. 1903.

CHAPTER 258.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT REQUIRING THE SECRETARY OF STATE, IN PUBLISHING THE LAWS OF THE PRESENT SESSION OF THE GENERAL ASSEMBLY, TO PUBLISH THE GENERAL CORPORATION LAW OF THIS STATE WITH ALL AMENDMENTS, MADE THERETO AT THIS SESSION, INCORPORATED THEREIN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Secretary of State is hereby required and directed in publishing the laws of the present Session of the General Assembly, to publish the General Corporation Law of this State with all amendments, made thereto at this session, incorporated therein.

Secretary of
State to publish
Corporation
Law with all
amendments.

Approved April 7, A. D. 1903.

TITLE SECOND.

Of the Public Revenue ; and the Assessment, Collection and Appropriation of Taxes.

CHAPTER 259.

OF THE REVENUES OF THE STATE.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RAISE REVENUE FOR THE STATE BY TAXING CERTAIN CORPORATIONS," BEING CHAPTER 15, VOL. 22, LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Exemptions.

Section 1. That said Chapter 15, as printed and published in Volume 22, Laws of Delaware, entitled "An Act to raise revenue for the State by taxing certain corporations," be and the same is hereby amended by striking out all of Section 4 of said Act after the word "dollars" in the 59th line of said Section 4, and by inserting in lieu thereof the following, viz.: "Provided that this Act shall not apply to railroad, railway, canal or banking corporations, or to savings banks, cemeteries or religious corporations, or to purely charitable or educational associations, or manufacturing or mining corporations, or to any mercantile corporation whose capital actually paid in is invested in a mercantile business carried on within this State, and which is now subject to a license tax for the carrying on of said business under Chapter 117, Volume 13, Laws of Delaware, or to any corporations at least fifty per centum of whose capital stock issued and outstanding is invested in business carried on within this State, and if any

OF THE REVENUES OF THE STATE.

other corporation shall have less than fifty per centum of its capital stock issued and outstanding invested in business carried on within this State, such company shall pay the annual license fee or franchise tax herein provided for companies not carrying on business in this State, but shall be entitled in the computation of such tax to a deduction from the amount of its capital stock issued and outstanding of the assessed value of its real and personal estate within this State."

Approved March 18, A. D. 1903.

CHAPTER 260.

OF THE REVENUES OF THE STATE.

AN ACT TO AMEND SECTION 5, OF CHAPTER 15, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT TO RAISE REVENUE FOR THE STATE BY TAXING CERTAIN CORPORATIONS," INCREASING THE PERIOD FOR THE PAYMENT OF ANNUAL FRANCHISE TAXES BEFORE THEY SHALL BEGIN TO BEAR INTEREST.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 15, Volume 22, Laws of Delaware, entitled "An Act to raise revenue for the State by taxing certain corporations," be and the same is hereby amended by striking out the word "March" in the twelfth line of Section 5 of said chapter, and inserting in lieu thereof the word "May."

Extension of
time before in-
terest is due.

Approved March 18, A. D. 1903.

OF THE REVENUES OF THE STATE.

CHAPTER 261.

OF THE REVENUES OF THE STATE.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT OTHER THAN LEGISLATIVE EXPENSES FOR THE FISCAL YEAR ENDING ON MONDAY IMMEDIATELY PRECEDING THE SECOND TUESDAY OF JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FOUR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of three-fourths of all the members elected to each House of the General Assembly):

Appropriations
for year 1903.

Section 1. That the several amounts named in this Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the Treasury of this State to the respective public officers and for the several purposes specified for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand and four*; provided, however, that all parts or portions of the several sums appropriated by this Act which, on said Monday immediately preceding said second Tuesday of January, A. D. 1904, shall not have been paid out of the Treasury shall be converted back into the General Fund of the Treasury. The said several sums hereby appropriated are as follows, viz.:

Unexpended
moneys converted
back into Treasury.

Governor.

For the Governor for salary, two thousand dollars. For postage, stationery and expenses of Governor's office, five hundred dollars.

Secretary of
State.

For the Secretary of State for salary, one thousand dollars.

For the Secretary of State, to pay the contingent expenses of his office, twelve hundred dollars.

For the Secretary of State for indexing and preparing for publication laws of the Session of the Legislature held in the year 1903, five hundred and fifty dollars.

For the Secretary of State as compensation for performing

*Printed as enrolled.

OF THE REVENUES OF THE STATE.

the duties imposed on him by the provisions of an Act, entitled "An Act to raise revenue for the State by taxing certain corporations," enacted by the General Assembly of A. D. 1899, the sum of five hundred dollars.

For the Secretary of State for paying cost of official bond, one hundred dollars.

For Stenographer and Typewriter for the Governor and Secretary of State for salary, six hundred dollars.

Stenographer
and Typewriter
for Governor
and Secretary
of State.
Librarian.

For State Librarian for salary, eight hundred dollars.

For current expenses of State Library, one hundred and fifty dollars.

For the purchase of law books for State Library, five hundred dollars.

For the Janitor of the State House for salary, five hundred dollars.

Janitor.

For the Chancellor for salary, four thousand and five hundred dollars.

Chancellor.

For the Chancellor for reporting, two hundred dollars.

For the Chancellor to pay the contingent expenses of the Court of Chancery, two hundred dollars.

For the Chancellor in payment of one hundred copies of his reports, eight hundred dollars.

For Chief Justice for salary, four thousand and five hundred dollars.

Chief Justice.

For the four Associate Judges for salaries, sixteen thousand dollars.

Associate
Judges.

For the Associate Judge resident in Kent County, for reporting, two hundred dollars.

Associate
Judge for Kent
County.

For the Associate Judge resident in Kent County for one hundred copies of "Pennewill's Delaware Reports," Volume 3, one thousand dollars.

Pennewill's
Reports.

For the Court Stenographer for salary, one thousand and five hundred dollars.

Court
Stenographer.

For transcript for Supreme Court and Assistant Stenographer, three hundred and fifty dollars.

OF THE REVENUES OF THE STATE.

State
Treasurer.

For the State Treasurer and Trustee of the School Fund for salary, one thousand four hundred and fifty dollars.

For the State Treasurer for postage, stationery, clerical assistance and the like, to carry out the provisions of Section 22, Chapter 67, Volume 21, Laws of Delaware, five hundred dollars.

Auditor of
Accounts.

For the Auditor of Accounts for salary, one thousand and two hundred dollars.

For the Auditor of Accounts for postage, stationery, blanks and school reports, five hundred dollars.

Attorney
General.

For the Attorney General for salary, two thousand dollars.

For the Attorney General to pay salary of the Deputy Attorney General, seven hundred and fifty dollars.

For contingent expenses for the Attorney General for paying expenses in criminal prosecution, twelve hundred dollars.

Insurance
Commissioner.

For the Insurance Commissioner for salary, fifteen hundred dollars.

For the Insurance Commissioner to pay the salary of his clerk, six hundred dollars.

For the Insurance Commissioner, the necessary expenses of his office, such as postage, stationery, etc., five hundred dollars.

State Detective.

For the two State Detectives for salaries, two thousand and four hundred dollars.

For actual expenses in serving requisition papers, three hundred dollars.

Fish Commis-
sioner.

For the Fish Commissioner for salary and all necessary expenses incurred in the discharge of his official duties, five hundred dollars.

For the contingent expenses of Fish Commissioner to pay postage and stationery, traveling expenses, etc., one hundred and twenty-five dollars.

Oyster Revenue
Collector.

For the Oyster Revenue Collector for salary, seven hundred dollars,

For the payment of crew of Watch Boat for the protection of oysters, twenty three hundred and forty dollars.

OF THE REVENUES OF THE STATE.

For the three County Superintendents of Schools, three thousand and six hundred dollars. Superintendents of Schools.

For the expenses of holding the white Teachers' Institute in the several counties of this State, four hundred and fifty dollars. Teachers' Institute, white.

For the expense of holding Colored Teachers' Institute, one hundred and fifty dollars. Teachers' Institute, colored.

For the purpose of carrying into effect the provisions of the Act, entitled "An Act to provide for the maintenance, discipline and regulation of the National Guard of Delaware, passed at Dover, May 7, 1897, as amended, five thousand dollars. National Guard.

For the town of Dover, to pay for water furnished for the use of the State House, one hundred dollars. Water for State House.

For the Farmers' Institute for the purpose of defraying incidental expenses of holding the same, six hundred dollars. Farmers' Institute.

For the State Board of Agriculture, three thousand dollars. Board of Agriculture.

For the Delaware Industrial School for Girls, three thousand dollars. Delaware Industrial School for Girls.

For St. Michael's Day Nursery and Hospital for Babes, five hundred dollars. St. Michael's Day Nursery.

For the Peninsular Horticultural Society, three hundred dollars. Peninsula Horticultural Society.

For the State Board of Health, two thousand and five hundred dollars. Board of Health.

For the Trustees of Delaware College for the use of said College, being its share of appropriation made by the General Government for the year 1903, twenty thousand dollars. Delaware College.

For the Trustees of the State College for Colored Students, for the use of said College, being its share of appropriation made by the General Government for the year 1903, five thousand dollars. College for Colored Students.

For the burial of indigent soldiers, sailors or marines, seven hundred and fifty dollars. Indigent soldiers, &c.

For the Historical Society of Delaware, for the use thereof, three hundred dollars. Historical Society.

OF THE REVENUES OF THE STATE.

- Reimburse Sussex County.** For Sussex County to reimburse said county for the payment to the State of Delaware by the Treasurer of said county, for money paid by said County Treasurer under "Adams Tax Law," eleven hundred, eighty-five dollars and four cents.
- For owners of diseased cattle killed.** For the purpose of reimbursing the owners of diseased cattle killed under the provisions of Section 2 of the Act entitled "An Act to prevent the spread of contagious or infectious pleuropneumonia among the cattle of this State," and for all other expenses under said Act, two hundred dollars.
- For infectious disease among lower animals.** For the purpose of defraying the expenses involved in carrying out the provisions of the Act entitled "An Act for the eradication of infectious and contagious diseases among the lower animals," and of the amendments thereof, one thousand dollars.
- Insurance.** For insurance against fire on property belonging to the State, two hundred and seventy-five dollars.
- Deaf, dumb, blind and idiotic.** For the maintenance and instruction of the indigent deaf and dumb, and indigent blind and indigent idiotic children, in institutions outside of the State, eight thousand dollars.
- Books &c., for blind.** For the purchase of books, maps and other appliances for the use of the blind, one hundred dollars.
- President of Board of Trustees of State Hospital to visit outside institutions.** For the President of the Board of Trustees of the State Hospital at Farnhurst for visiting the institutions outside of the State in which are being instructed, at the expense of the State, indigent deaf and dumb, indigent blind and indigent idiotic children, and for making report to the Governor concerning the same, one hundred dollars.
- Report to Governor.**
- School Fund.** For the benefit of the Free Public Schools and in addition to the income arising from the investments of the Public School Fund, to be used exclusively for the payment of teachers' salaries and for furnishing free text books, one hundred and thirty-two thousand dollars.
- Interest on State debt.** For the purpose of paying interest on the indebtedness of the State, thirty-four thousand dollars.
- State Board of Education and County School Commissions.** For the purpose of paying the expenses of the State Board of Education and also the expenses of the County School Commissions under the Act entitled "An Act providing for the establishment of a General System of Free Public Schools," passed

OF THE REVENUES OF THE STATE.

at the adjourned session of the Legislature held in the year 1898, one thousand five hundred and seventy-five dollars.

For the State Treasurer to carry out the provisions of an Act entitled "An Act providing graded school facilities for the children of this State," approved at Dover, March 9, 1899, four thousand and five hundred dollars.

State
Treasurer,
Graded School
facilities.

For the Chairman of the Committee on Traveling Libraries of the State Federation of Woman's Clubs for Delaware, the sum of one hundred dollars for the purpose of establishing a traveling library.

Chairman of
committee on
traveling
libraries.

For the purpose of carrying into effect the provisions of the Act entitled "An Act providing for the establishment and maintenance of Free Public Libraries," passed in 1901, five hundred dollars.

Free public
libraries.

For the salary of the Bacteriologist and all expenses of the Pathological and Bacteriological Laboratory at Delaware College, twenty-five hundred dollars.

For
bacteriological
laboratory.

For the Delaware Society for the Prevention of Cruelty to Children for the purpose of enforcing laws, etc., nine hundred dollars.

Delaware
Society, Pre-
vention of
Cruelty to
Children.

For the Lieutenant Governor for services as member of Board of Pardons, one hundred dollars.

Lieutenant
Governor.

For the State Treasurer for paying cost of his official bond, three hundred dollars.

State Treas-
urer, official
bond.

For the Clerk of the Senate for preparing, indexing and superintending the printing of his Journal, five hundred and fifty dollars.

Clerk of the
Senate.

For the Clerk of the House of Representatives for preparing, indexing and superintending the printing of his Journal, five hundred and fifty dollars.

Clerk of the
House.

For the Committee, representing the State, to arrange for the removal of the remains of Governor George Truitt and family, two hundred dollars.

For removal of
remains of
Gov. George
Truitt and
family.

For printing Acts and resolutions of the General Assembly and for all other printing done for the benefit and use of the State, five thousand dollars.

Printing.

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For improve-
ment of the
public high-
ways.

For carrying out the provisions of "An Act to provide for the permanent improvement of the Public Highways in the State of Delaware," thirty thousand dollars, to be distributed equally among the several counties of the State conformably to the terms and provisions of the aforesaid Act.

Insurance
Commissioner.

For the Insurance Commission for salary under an Act to provide State supervision over State Banks, Savings Banks, Building and Loan Associations, Trust Companies, Safe Deposit, Guarantee Surety and Bonding corporations in the State of Delaware, five hundred dollars.

Insurance
Commissioner's
clerk.

For the Clerk of the Insurance Commissioner under an Act to provide State supervision over State Banks, Savings Banks, Building and Loan Associations, Trust Companies, Safe Deposit, Guarantee Surety and Bonding corporations in the State of Delaware, three hundred dollars.

Department of
elections.

For the Department of Elections of the City of Wilmington, for office rent, expenses, etc., as provided by Chapter 70, Volume 22, Laws of Delaware, five hundred dollars.

For suit pend-
ing in U. S.
Supreme Court
between this
State and New
Jersey.

For to provide for the defense of the suit of the State against the State of New Jersey in the matter of the boundary dispute between the two States, pending in the United States Supreme Court, ten thousand dollars, to be drawn by the warrant of the Governor on the State Treasurer, and to be placed at the disposal of the Attorney General.

Approved March 23, A. D. 1903..

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CHAPTER 262.

OF THE REVENUES OF THE STATE.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT OTHER THAN LEGISLATIVE EXPENSES FOR THE FISCAL YEAR ENDING ON MONDAY IMMEDIATELY PRECEDING THE SECOND TUESDAY OF JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FIVE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of three-fourths of all the members elected to each House of General Assembly):

Section 1. That the several amounts named in this Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the Treasury of this State to the respective public officers and for the several purposes specified for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and five; provided, however, that all parts or portions of the several sums appropriated by this Act which, on said Monday immediately preceding said second Tuesday of January, A. D. 1905, shall not have been paid out of the Treasury shall be converted back into the General Fund of the Treasury. The said several sums hereby appropriated are as follows, viz.:

Appropriation
for year 1904.

Unexpended
moneys covered
back into
Treasury.

For the Governor for salary, two thousand dollars. For Governor.
postage, stationery and expenses of Governor's office, five hundred dollars.

For the Secretary of State for salary, one thousand dollars. Secretary of State.

For the Secretary of State to pay the contingent expenses of his office, twelve hundred dollars.

For the Secretary of State as compensation for performing

OF THE REVENUES OF THE STATE.

the duties imposed on him by the provisions of an Act, entitled "An Act to raise Revenue for the State by taxing certain corporations," enacted by the General Assembly of A. D. 1899, the sum of five hundred dollars.

For the Secretary of State for paying cost of official bond, one hundred dollars.

Stenographer
and typewriter
for Governor
and Secretary
of State.
Librarian.

For Stenographer and Typewriter for the Governor and Secretary of State for salary, six hundred dollars.

For the State Librarian for salary, eight hundred dollars.

For current expenses of State Library, one hundred and fifty dollars.

For the purchase of law books for State Library, five hundred dollars.

Janitor.

For the Janitor of the State House for salary, five hundred dollars.

Chancellor.

For the Chancellor for salary, four thousand and five hundred dollars.

For the Chancellor for reporting, two hundred dollars.

For the Chancellor to pay the contingent expenses of the Court of Chancery, two hundred dollars.

For the Chancellor in payment of One hundred copies of his reports, eight hundred dollars.

Chief Justice.

For the Chief Justice for salary, four thousand and five hundred dollars.

Associate
Judges.

For the four Associate Judges for salaries, sixteen thousand dollars.

Associate Judge
for Kent
County.

For the Associate Judge resident in Kent County for reporting, two hundred dollars.

Court
Stenographer.

For the Court Stenographer for salary, one thousand and five hundred dollars.

For transcript for Supreme Court and assistant stenographer, three hundred and fifty dollars.

State Treas-
urer.

For the State Treasurer and Trustee of the School Fund for salary, one thousand four hundred and fifty dollars.

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For the State Treasurer for postage, stationery, clerical assistance and the like, to carry out the provisions of Section 22, Chapter 67, Volume 21, Laws of Delaware, five hundred dollars.

For the State Treasurer for files, postage, stationery and necessary supplies for his office, three hundred dollars.

For the Auditor of Accounts for salary, one thousand and two hundred dollars. Auditor of Accounts.

For the Auditor of Accounts for postage, stationery, blanks and school reports, five hundred dollars.

For the Attorney General for salary, two thousand dollars. Attorney General.

For the Attorney General to pay salary of the Deputy Attorney General, seven hundred and fifty dollars.

For contingent expenses for the Attorney General for paying expenses in criminal prosecution, twelve hundred dollars.

For the Insurance Commissioner for salary, fifteen hundred dollars.

For the Insurance Commissioner to pay the salary of his clerk, six hundred dollars. Insurance Commissioner.

For the Insurance Commissioner for the necessary expenses of his office, such as postage, stationery, etc., five hundred dollars.

For the two State Detectives for salaries, two thousand and four hundred dollars. State Detective.

For actual expenses in serving requisition papers, three hundred dollars.

For the Fish Commissioner for salary and all necessary expenses incurred in the discharge of his official duties, five hundred dollars. Fish Commissioner.

For the contingent expenses of Fish Commissioner to pay postage and stationery, traveling expenses, etc., one hundred and twenty-five dollars.

For the Oyster Revenue Collector for salary, seven hundred dollars. Oyster Revenue Collector.

For the payment of crew of Watch Boat for the protection of oysters, twenty-three hundred and forty dollars.

OF THE REVENUES OF THE STATE.

- Superintendents of schools.** For the three County Superintendents of Schools, three thousand and six hundred dollars.
- Teachers' Institute, white.** For the expenses of holding the White Teachers' Institute in the several counties of this State, four hundred and fifty dollars.
- Teachers' Institute, colored.** For the expenses of holding Colored Teachers' Institute, one hundred and fifty dollars.
- National Guard** For the purpose of carrying into effect the provisions of the Act, entitled "An Act to provide for the maintenance, discipline and regulation of the National Guard of Delaware." passed at Dover, May 7, 1897, five thousand dollars.
- Water for State House.** For the town of Dover to pay for water furnished for the use of the State House, one hundred dollars.
- Farmers' Institute.** For the Farmers' Institute for the purpose of defraying incidental expenses of holding the same, six hundred dollars.
- Board of Agriculture.** For the State Board of Agriculture, three thousand dollars.
- Delaware Industrial School for Girls.** For the Delaware Industrial School for Girls, three thousand dollars.
- St. Michael's Day Nursery.** For St. Michael's Day Nursery and Hospital for Babes, five hundred dollars.
- Peninsula Horticultural Society.** For the Peninsular Horticultural Society, three hundred dollars.
- Board of Health.** For the State Board of Health, two thousand and five hundred dollars.
- Delaware College.** For the Trustees of Delaware College for the use of said College, being its share of appropriation made by the General Government for the year 1904, twenty thousand dollars.
- College for Colored Students.** For the Trustees of the State College for Colored Students for the use of said College, being its shares of appropriations made by the General Government for the year 1904, five thousand dollars.
- Indigent soldiers, etc.** For the burial of indigent soldiers, sailors or marines, seven hundred and fifty dollars.
- Historical Society.** For the Historical Society of Delaware for the use thereof, three hundred dollars.
- For owners of diseased cattle killed.** For the purpose of reimbursing the owners of diseased cattle killed under the provisions of Section 2 of the Act entitled

OF THE REVENUES OF THE STATE.

"An Act to prevent the spread of contagious or infectious pleuropneumonia among the cattle of this State," and for all other expenses under said Act, two hundred dollars.

For the purpose of defraying the expenses involved in carrying out the provisions of the Act entitled "An Act for the eradication of infectious and contagious diseases among the lower animals," and of the amendments thereof, one thousand dollars.

For infectious diseases among lower animals.

For insurance against fire on property belonging to the State, two hundred and seventy-five dollars.

Insurance.

For the maintenance and instruction of the indigent deaf and dumb, and indigent blind, and indigent idiotic children, in institutions outside of the State, eight thousand dollars.

Deaf, dumb, blind and idiotic.

For the purchase of books, maps and other appliances for the use of the blind, one hundred dollars.

Books, &c. for blind.

For the President of the Board of Trustees of the State Hospital at Farnhurst for visiting the institutions outside of the State in which are being instructed, at the expense of the State, indigent deaf and dumb, indigent blind and indigent idiotic children, and for making report to the Governor concerning the same, one hundred dollars.

President of Board of Trustees of State Hospital to visit outside institutions.

Report to Governor.

For the benefit of the Free Public Schools and in addition to the income arising from the investments of the Public School Fund, to be used exclusively for the payment of Teachers' Salaries and for furnishing free text-books, one hundred and thirty-two thousand dollars.

School fund.

For the purpose of paying interest on the indebtedness of the State, thirty-four thousand dollars.

Interest on State debt.

For the purpose of paying the expenses of the State Board of Education and also the expenses of the County School Commissions under the Act entitled "An Act providing for the establishment of a General System of Free Public Schools," passed at the adjourned session of the Legislature held in the year 1898, one thousand five hundred and seventy-five dollars.

State Board of Education and County School Commissions.

For the State Treasurer to carry out the provisions of an Act entitled "An Act providing graded School facilities for the children of this State," approved at Dover, March 9, 1899, four thousand and five hundred dollars.

State Treasurer, graded school facilities.

OF THE REVENUES OF THE STATE.

Chairman of
committee on
traveling
libraries.

For the Chairman of the Committee on Traveling Libraries of the State Federation of Woman's Clubs for Delaware, the sum of one hundred dollars for the purpose of establishing a traveling library.

Free public
libraries.

For the purpose of carrying into effect the provisions of the Act entitled "An Act providing for the establishment and maintenance of Free Public Libraries," passed in 1901, five hundred dollars.

For bacterio-
logical labora-
tory.

For the salary of the Bacteriologist and all expenses of the Pathological and Bacteriological Laboratory at Delaware College, twenty-five hundred dollars.

Delaware So-
ciety, Preven-
tion of Cruelty
to Children.

For the Delaware Society for the Prevention of Cruelty to Children for the purpose of enforcing laws, etc., nine hundred dollars.

Lieutenant
Governor.

For the Lieutenant Governor for services as member of the Board of Pardons, one hundred dollars.

State Treasur-
er, official bond.

For the State Treasurer for paying cost of his official bond, three hundred dollars.

For improve-
ment of the
public high-
ways.

For carrying out the provisions of "An Act to provide for the permanent improvement of the Public Highways in the State of Delaware," thirty thousand dollars, to be distributed equally among the several counties of the State conformably to the terms and provisions of the aforesaid Act.

Department of
elections.

For the Department of Elections for the City of Wilmington, four thousand and three hundred dollars.

Registration
officers.

For Registrars and Associate Registrars for compensation for their services, thirteen thousand dollars.

Printing.

For printing done for the use and benefit of the State, including the books and papers to be furnished to the Registration officers, ten thousand dollars.

Insurance
Commissioner.

For the Insurance Commissioner for salary under an Act provide* State supervision over State Banks, Savings Banks, Building and Loan Associations, Trust Companies, Safe Deposit, Guarantee Surety and Bonding corporations in the State of Delaware, five hundred dollars.

Insurance Com-
missioner's
Clerk.

For the Clerk of the Insurance Commissioner under an Act

*Printed as enrolled.

OF THE REVENUES OF THE STATE.

to provide State supervision over State Banks, Savings Banks, Building and Loan Associations, Trust Companies, Safe Deposit, Guarantee Surety and Bonding Corporations in the State of Delaware, three hundred dollars.

For the use of the Joint Committee appointed to settle with the State Officers in January, 1904, one thousand dollars.

For joint committee to settle with State officers.

Approved March 23, A. D. 1903.

CHAPTER 263

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING CERTAIN MONEY OF THIS STATE TO PAY CERTAIN CLAIMS AGAINST THE STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the several sums of money hereinafter named are hereby appropriated out of the Treasury of this State, for the purpose of paying the claims hereinafter mentioned and the State Treasurer is hereby authorized and directed to pay the same, that is to say;

Joseph L. Cahall, Tabulating two years' reports.....	\$400.00
Charles L. Moore	35.00
The Sun	104.51
Sussex Republican	8.40
George H. Harter	60.00
Julian B. Robinson	54.00
Elizabeth E. Leech	12.40
Frank L. Speakman	145.00
Purnell B. Norman	500.00
Carrie G. Ritter	24.50
Frances M. Dempsey	294.35
Fannie S. Harrington	299.95
Viridie May Gooden	114.80

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Edith B. Ingersoll	83.30
A. R. Boyle	10.00
Lewis Barclay	75.00
Cornelius Frear	200.00
George W. Baker	666.63
Dover Gas Light Co.....	178.92
Clark & McDaniel	283.01
Liebrand, Ross Bros. & Montgomery.....	754.31
William H. Moore	100.00
John Behen, Jr., & Co.....	17.72
Starling & Beck	3.95
J. G. Sharpe	4.00
James A. Hiron	43.00
James Wise	30.00
Alonzo Scotten	15.00
Joseph L. Bonsall	30.00
Winfield S. Quigley	150.00
Frank Reedy	16.50
T. K. Jones & Bro.....	74.24
Wm. Culveyhouse	110.25
Julian B. Robinson	24.00
M. Megary & Son.....	31.00
William E. Smith.....	40.75
J. S. Godwin.....	42.60
James A. Clifton.....	33.25
E. S. R. Butler.....	1266.47
Martin B. Burris, for 1901 and 1902.....	3000.00
Diamond State Telephone Co., for members.....	67.65
Diamond State Telephone Company, for State House for two years to 1905	50.00
Diamond State Telephone Company, for Secretary of State ..	46.15
L. H. Ball, allowance of session 1901.....	2150.00
State Treasurer to amount paid in excess of appropriation for Registrars, Assistant Registrars, etc.....	1785.55
Riley Melvin, Sheriff	6.00
Mercantile Printing Co.....	100.00
The Star	1000.00
The State Sentinel	227.00
Geo. M. Jones	25.00
Robbins Hose. Co.....	26.50

OF THE REVENUES OF THE STATE.

Morning News Printing Co.....	73.20
George H. Bates for services as special Counsel in case of the State of New Jersey vs. Delaware in the United States Court from March, 1885, to date under appoint- ment by the Governor, pursuant to law, part for said services	1000.00
M. E. Haman.....	69.00
Joseph L. Cahall, for taking affidavits.....	300.00
John H. Willey.....	17.00
J. E. Carroll	41.22
D. B. Jones	35.00
R. H. Van Dyke.....	125.00
Levi A. Davis	125.91

Approved March 24, A. D. 1903.

CHAPTER 264.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING FIFTY DOLLARS TO MIRANDA ADAMS.

Whereas, on the death of Jacob H. Adams, late Prothonotary of the Superior Court of the State of Delaware in and for Sussex County, George W. Jones was appointed to fill the vacancy in said office for unexpired term, so that the widow might have the benefit of said office for such unexpired term; Preamble.

And Whereas, upon the appointment of said George W. Jones the Secretary of State was required to collect a State tax of fifty dollars, although said Jacob H. Adams had paid fifty dollars State tax on his appointment to such office; Preamble.

And Whereas, the income from said office for such unexpired term was very small and the said Miranda Adams is in very necessitous circumstances; Preamble.

Now therefore, Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

OF THE REVENUES OF THE STATE.

\$50 to Miranda
Adams.

Section 1. That the sum of fifty dollars be and the same is hereby appropriated to Miranda Adams, and the State Treasurer be and he is hereby authorized to pay the amount so appropriated out of any moneys in his hands to the credit of the General Fund not otherwise appropriated.

Approved March 31, A. D. 1903.

CHAPTER 265.

OF THE REVENUES OF THE STATE.

AN ACT TO PROVIDE FOR THE PAYMENT OF CERTAIN EXPENSES INCURRED IN THE BURIAL OF CERTAIN INDIGENT SOLDIERS, SAILORS OR MARINES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of all the members elected to each House concurring herein) :

Appropriation
for burial of in-
digent soldiers,
sailors and
marines.

Section 1. That there is hereby appropriated out of any moneys in the General Fund not otherwise appropriated the sum of six hundred and twenty-five dollars, or so much thereof as may be necessary, to the Department Commander of Delaware, Grand Army of the Republic, for the purpose of paying the funeral expenses of twenty-five indigent Soldiers, Sailors and Marines, the annual State appropriation therefor having been exhausted.

Approved March 31, A. D. 1903.

OF THE REVENUES OF THE STATE.

CHAPTER 266.

OF THE REVENUES OF THE STATE.

AN ACT TO APPROPRIATE MONEY FOR THE REPAYMENT TO SUSSEX COUNTY OF THE SUM PAID TO THE STATE TREASURER BY THE COUNTY TREASURER OF SUSSEX COUNTY FROM THE FUNDS ARISING UNDER AN ACT ENTITLED "AN ACT TO EQUALIZE TAXATION FOR STATE AND COUNTY PURPOSES," CHAPTER 381, VOLUME 20, LAWS OF DELAWARE, AND THE ACTS AMENDATORY THEREOF.

Whereas, pursuant to the provisions of an Act entitled "An Preamble.
Act to equalize taxation for State and County purposes," Chapter 381, Volume 20, Laws of Delaware, and the Acts amendatory thereof, the County Treasurer of Sussex County paid to the State Treasurer the sum of one thousand one hundred and eighty-five dollars and four cents (\$1,185.04), being the proportionable share of the funds arising under the said Act due the State of Delaware:

And Whereas, the said Act has been declared unconstitutional by the Supreme Court of the State of Delaware: Preamble.

And Whereas, the Levy Court of Sussex County is desirous Preamble.
of returning to the sundry taxables the several sums paid to Sussex County pursuant to the provisions of said Act:

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of one thousand one hundred and eighty-five dollars and four cents (\$1,185.04) be and the same is hereby appropriated to Sussex County to reimburse said County for the payment to the State of Delaware by the County Treasurer of Sussex County for the proportionable share due the State of Delaware from the funds arising under the provisions of an Appropriation for reimbursement of Sussex County.

OF THE REVENUES OF THE STATE.

Act entitled "An Act to equalize taxation for State and County purposes," Chapter 381, Volume 20, Laws of Delaware, and the Acts amendatory thereto.

State
Treasurer.

Section 2. That the State Treasurer is hereby authorized and directed to pay said sum of one thousand one hundred and eighty-five dollars and four cents (\$1,185.04) out of any moneys in the Treasury to the credit of the General Funds not otherwise appropriated.

Approved March 24, A. D. 1903.

CHAPTER 267.

OF THE REVENUES OF THE STATE.

AN ACT APPROPRIATING ONE HUNDRED AND FOURTEEN THOUSAND DOLLARS TO "THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State Hospital
at Farnhurst,
appropriation
for 1903.

Section 1. That the sum of fifty-seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated and authorized to be paid out of the Treasury of this State, to "The State Board of Trustees of the Delaware State Hospital at Farnhurst," for the use and support of "The Delaware State Hospital at Farnhurst," during the fiscal year ending on Monday next immediately preceding the second Tuesday of January in the year A. D. 1904.

Appropriation
for 1904.

Section 2. That the further and additional sum of fifty-seven thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated and authorized to be paid out of the Treasury of this State, to "The State Board of Trustees of the Delaware State Hospital at Farnhurst," for the use and support of "The Delaware State Hospital at Farnhurst" during the fiscal year ending on Monday next immediately preceding the second Tuesday of January in the year A. D. 1905.

Approved February 2, A. D. 1903.

OF THE REVENUES OF THE STATE.

CHAPTER 268.

OF THE REVENUES OF THE STATE.

AN ACT TO APPROPRIATE FIFTEEN THOUSAND DOLLARS FOR THE
ERECTION AND REPAIR OF BUILDINGS AT DELAWARE COL-
LEGE AND THE COMPLETION OF ALTERATIONS AND REPAIRS
ALREADY BEGUN.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met, (three-fourths
of all members elected to each House concurring therein):*

Section 1. That for the completion of the alterations and repairs already begun to the buildings on the grounds at Delaware College at Newark, in the State of Delaware, and the erection of an addition to the Mechanical Building on said grounds and the erection of a building for Agricultural experimental purposes, to enable the said College to carry into effect the purposes of the various Acts of Congress appropriating money, the sum of fifteen thousand dollars is hereby appropriated out of any money not otherwise appropriated, to be paid by the State Treasurer to the Trustees of said College as follows: Seven thousand five hundred dollars thereof to be paid on the first day of July, A. D. 1903, and seven thousand five hundred dollars thereof on the first day of July, A. D. 1904.

Appropriation
for Delaware
College.

Purpose of.
Amount.

Approved March 16, A. D. 1903.

OF THE REVENUES OF THE STATE.

CHAPTER 269.

OF THE REVENUES OF THE STATE.

AN ACT TO APPROPRIATE FOUR THOUSAND DOLLARS FOR THE
ERECTION, ALTERATION AND REPAIR OF BUILDINGS AT THE
STATE COLLEGE FOR COLORED STUDENTS.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met, (three-fourths
of all the members elected to each House concurring therein):*

Appropriation
for State Col-
lege for Colored
Students.

Amount.

Section 1. That for the erection, alteration and repair of
necessary buildings on the grounds of the State College for Col-
ored Students, near Dover, Kent County, in this State, the sum
of four thousand dollars is hereby appropriated out of any money
not otherwise appropriated, to be paid by the State Treasurer to
the Trustees of said College as follows: One-half thereof on the
first day of July, A. D. 1903, and the other half on the first day
of July, A. D. 1904.

Approved March 16, A. D. 1903.

OF THE REVENUES OF THE STATE.

CHAPTER 270.

OF THE REVENUES OF THE STATE.

AN ACT TO APPROPRIATE MONEY TO PAY THE EXPENSES OF BINDING THE ENROLLED BILLS OF THIS STATE, AND PROVIDING ADDITIONAL SPACE FOR CERTIFICATES OF INCORPORATION AND OTHER PAPERS PERTAINING THERETO.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of seven hundred dollars be and the same is hereby appropriated to pay the expenses of collating the enrolled bills of this State in chronological order and binding the same for future preservation; and to provide additional space for certificates of incorporation and other papers pertaining thereto.

Appropriation for binding enrolled bills and other purposes.

Section 2. That said money shall be paid by the State Treasurer to the Secretary of State on the completion of the work, upon his order.

Approved February 17, A. D. 1903.

OF THE REVENUES OF THE STATE.

CHAPTER 271.

OF THE REVENUES OF THE STATE.

AN ACT TO PROVIDE FOR THE REDEMPTION OF THE BONDS OF THIS STATE, ISSUE OF 1887, AND MAKING THE NECESSARY APPROPRIATIONS THEREFOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of the members elected to each branch of the Legislature concurring therein):

State Treasurer
authorized to
redeem bonds.

Number of
bonds.

Appropriation
for.

When payable.

Powers of
Governor.

Section 1. That the State Treasurer be and he is hereby authorized, empowered and directed to redeem the Bonds of this State issued under the provisions of Chap. 3, Vol. 18, Laws of Delaware, passed at Dover, March 15, 1887, as follows, to wit: Bonds Numbers 1 to 50, both inclusive, on June 1, 1903; bonds Numbers 51 to 125, both inclusive, on December 1, 1903; bonds Numbers 126 to 175, both inclusive, on June 1, 1904, and bonds Numbers 176 to 250, both inclusive, on December 1, 1904.

Section 2. That for this purpose the sum of \$250,000.00 be and the same is hereby appropriated out of any moneys at the said dates not otherwise appropriated in the Treasury to be available in the amounts and on the dates following: The sum of \$50,000.00 on June 1, 1903; the sum of \$75,000.00 on December 1, 1903; the sum of \$50,000.00 on June 1, 1904, and the sum of \$75,000.00 on December 1, 1904.

Section 3. That the Governor be, and he is hereby authorized and empowered in his discretion, to reduce the number of Bonds to be paid at any one or all of the periods hereinbefore named, in part or in whole, if he shall find that the condition of the Treasury at said period or periods, will not warrant payment in the manner as provided in Section 1 of this Act. And if, in the exercise of his discretion as aforesaid, the Governor should pass any one or more of the periodical payments as aforesaid, in part

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or in whole, then and in that case, each payment so passed shall become cumulative, and added to the payment of the next succeeding period, and to be paid serially, in priority according to the numbers of the bonds, and only as the condition of the Treasury may permit, in the discretion of the Governor as aforesaid.

Section 4. That all bonds redeemed under the provisions of ~~Cancellation.~~ this Act together with all the unmatured coupons attached thereto shall be cancelled in the manner provided by Section 3 of Chapter 3, Volume 18, Laws of Delaware.

Approved March 24, A. D. 1903.

CHAPTER 272.

OF THE REVENUES OF THE STATE.

AN ACT TO PERMIT THE GOVERNOR AND THE SECRETARY OF STATE TO STAMP WITH THEIR AUTOGRAPHS THE VARIOUS LICENSE BLANKS OF THE STATE OF DELAWARE INSTEAD OF SIGNING THE SAME AS IS NOW REQUIRED BY LAW.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That hereafter in the preparation of the various licenses for the several trades, business pursuits or occupations licensed by the laws of this State, the Governor and the Secretary of State may stamp the same with an autograph stamp instead of their written signatures as is now required by law. Governor and Secretary of State may use stamp autograph for licenses.

Section 2. That all acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved February 23, A. D. 1903.

OF THE LEVY COURT.

CHAPTER 273.

OF THE LEVY COURT.

AN ACT TO REGULATE THE TRANSACTION OF BUSINESS BY THE
LEVY COURT COMMISSIONERS OF NEW CASTLE COUNTY.*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Levy Court
Commissioners.
Unlawful to
furnish labor or
material or con-
tract for public
work.

Section 1. It shall be unlawful for any Commissioner of the Levy Court for New Castle County to furnish labor or material, either directly or indirectly, for the making, erection or repair of any bridge, road, causeway, public building or public work of any kind or description which is or may be within the care, custody or control of said Levy Court, or any Commissioner thereof, or to be or become, directly or indirectly, either the contractor or sub-contractor for the performance of any public work, duty or service of any nature or kind within the control of the said Levy Court, or of any member thereof in his capacity of a commissioner thereof, or to have, exact, receive, accept or enjoy any rebate, profit, gift, emolument, rake-off or any pecuniary benefit whatsoever either directly or indirectly, from or on account of the making, erection or repair of any bridge, road, causeway, public building or public work of any kind or description which is or may be within the care, custody or control of said Levy Court, or of any Commissioner thereof in his said official capacity, or from or on account of any contract or sub-contract for the performance of any public work, duty or service of any nature or kind within the control of the said Levy Court or of any member thereof in his capacity of a Commissioner thereof.

Unlawful to re-
ceive any re-
bate, profit or
gift.

County war-
rants only for
specific appro-
priations by
majority vote.

Section 2. It shall be unlawful for the Levy Court Commissioners of said county, or any of them, to authorize or vote to authorize any money to be drawn from the Treasury of New Castle County, except upon specific appropriations made by a majority vote of all of the Commissioners of said Levy Court and sitting as a body, and only upon county warrants, truly dated, consec-

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utively numbered, and drawn in pursuance of such specific appropriations. Except for the salaries or other lawful compensation of said Levy Court Commissioners for their services in their said office, no county warrants shall be drawn to the order of or payable to any member of said Levy Court, nor shall any such county warrant be drawn payable to bearer, but such county warrants shall only be drawn in favor of or payable to the person or persons, corporation or corporations, performing the work, labor, duty or service, or furnishing the material, for which the said Levy Court is indebted.

Exception.

Section 3. It shall be unlawful for the Levy Court Commissioners of New Castle County to approve of, make specific appropriations for, or permit to be paid any bill, account, claim or demand whatsoever against said New Castle County or said Levy Court, until the said bill, account, claim or demand shall be fully itemized so as to disclose the price or prices at which, the date when, the place where, the purpose for which, by whose order, and by whom the work or labor was performed and the materials were furnished for said county or for said Levy Court, and the nature, character, quantity and amount of such labor and materials, nor until the said bill, account, claim or demand shall have been fully investigated and duly stamped as approved and with the date of such approval by the County Comptroller for said county. Provided that, in case the said County Comptroller shall disapprove or fail to approve any such bill, account, claim or demand, the said Levy Court Commissioners may by a two-thirds vote of all of said Levy Court Commissioners approve the same and cause the same to be paid.

All bills to be itemized before being allowed.

Comptroller to approve

Refusal of Comptroller, two-thirds vote of Levy Court may overcome.

Section 4. It shall be unlawful for any Levy Court Commissioner for New Castle County, directly or indirectly to cash, buy up, purchase or redeem any County Warrant drawn in favor of any other person.

Levy Court Commissioner not to deal in county warrants.

Section 5. It shall be unlawful for any Commissioner of the Levy Court of New Castle County to vote for or consent to the doing of any work and labor for New Castle County or said Levy Court, or to vote for or consent to the furnishing, having or using by or for account of said County or Levy Court of any merchandise, tools, implements, machinery or materials whatsoever, where the cost in any particular case will probably exceed the sum of five hundred dollars, whether said work, labor, merchandise, tools, implements, machinery or materials shall be

All public work over \$500 to be advertised for lowest bidder.

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dise, tools, implements, machinery or materials shall be required for new work or for repairs upon old work, unless and until the said Levy Court shall publicly invite sealed proposals for the doing of such work and the furnishing of such merchandise, tools, implements, machinery and materials, and give the contract resulting therefrom and therefor to the lowest bidder or bidders; provided that the said Commissioners may require of such bidder or bidders security for the faithful performance of such contract.

Bidder to give security.

Violation.

Section 6. Any Levy Court Commissioner of New Castle County who shall violate any of the prohibitions of this statute shall be guilty of a misdemeanor constituting misbehavior in office, and upon conviction thereof shall be sentenced to be fined or imprisoned, or both, at the discretion of the court.

Penalty.

Section 7. Any person or corporation who shall, by special contract or otherwise, do or perform any work, labor or service of any kind for, or furnish any merchandise, goods, printing, tools, implements, machinery or materials of any kind or description to or for the use of New Castle County, or the Levy Court thereof or any Commissioner of said Levy Court in his official capacity, and shall directly or indirectly to any such Levy Court Commissioner of said County, or to any other person whomsoever, give, convey, allow, offer or tender any rebate, commission, profit, gift, emolument, rake-off or any pecuniary benefit whatsoever from the price of or on account or because of the said doing or performing of such work, labor or service for said county, Levy Court or Commissioners thereof, or from the price of or on account or because of the said furnishing of merchandise, goods, printing, tools, implements, machinery or materials of any kind or description to or for the use of said County, Levy Court or Commissioners thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be condemned to forfeit and pay a fine in the discretion of the Court, but not less than three times the amount of the price charged by said offending person or corporation for the work, labor, service, merchandise, goods, printing, tools, implements, machinery or materials so done or furnished by said offending person or corporation, and also be adjudged, deemed and held incapable of thereafter performing any service, or furnishing any material or merchandise whatsoever to, for or for the use of the said County, Levy Court or any Commissioner thereof, forever.

Gifts by persons or corporations to Levy Court Commissioners a misdemeanor.

Penalty.

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Section 8. All acts and parts of acts conflicting or inconsistent herewith are hereby repealed.

Approved March 31, A. D. 1903.

CHAPTER 274.

OF THE LEVY COURT.

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT, OF NEW CASTLE COUNTY TO PAY CERTAIN ELECTION EXPENSES.

Whereas, the General Assembly by an Act passed May 27, *Preamble.* 1897, made it the duty of the Registration Officers of and for New Castle County, immediately after their last sitting in the month of August, to append to each of their alphabetical lists of "Qualified Voters" contained in the Voting Books of "Qualified Voters of Primary Elections," a certificate, verified by the oath or affirmation of the Registrars, or, at least two of them, that the said "Voting Books of Qualified Voters for Primary Elections" contain a complete list of "Qualified Voters" and "may become Qualified Voters" of the said election district as the same are entered in the Registers of Voters of such election district, and

Whereas, the General Assembly by an Act passed May 27, *Preamble.* 1898, made it the duty of the Registration Officers, within three days after their last sitting, to append to each of the alphabetical lists of "Registered Voters" contained in the "Books of Registered Voters" a certificate verified by the oath or affirmation of said Registration Officers, or, at least, two of them, that the "Book of Registered Voters" contain a complete list of Registered Voters of the election district, as the same are entered in the books of Registered Voters of such election district, and

Whereas, by said last mentioned act it was further made the *Preamble.* duty of the Registration Officers within three days after their last

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sitting, to append to the Registers of their election districts a certificate that each of said Registers is the Official Register of the election district, and, so far as within their knowledge, no false or improper entries have been made therein, which certificate shall be made and verified by, at least, two of said Registration Officers, and

Preamble. Whereas, it does not appear that any provision has been made by law for the payment of the fees for the taking of these affidavits; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

Levy Court to pay certain election expenses.

Section 1. That the Levy Court of New Castle County pay, and they are hereby authorized and instructed to provide for and pay such bills for fees contracted by the Registration Officers, as other Election Expenses. Provided, however, that the fee for each oath or affirmation so administered and paid for shall not exceed the sum of twenty-five cents.

To pay such expenses for 1902.

Section 2. That the Levy Court of New Castle County is hereby authorized and directed to pay such bills incurred for the election of 1902.

Approved March 24, A. D. 1903.

CHAPTER 275.

OF THE LEVY COURT.

AN ACT AUTHORIZING THE LEVY COURT COMMISSIONERS OF NEW CASTLE COUNTY TO REFUND THE "NEW CASTLE COUNTY WORKHOUSE LOAN."

Preamble.

Whereas, by an Act of the Legislature approved at Dover, March 16, A. D. 1899, the Levy Court of New Castle County was authorized to borrow upon the credit of said County, not exceeding in the aggregate one hundred thousand dollars for the

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use of the Board of Trustees of New Castle County Workhouse for the purpose of constructing and equipping the said New Castle County Workhouse; and

Whereas, by another Act of the Legislature, approved at Preamble.
Dover March 2, A. D. 1901, the said Levy Court was authorized and directed to borrow upon the credit of said County, not exceeding in the aggregate, seventy-five thousand dollars, for the purpose of completing the said New Castle County Workhouse; and

Whereas, pursuant to the provisions of the two said Acts, Preamble.
the amount of one hundred and seventy-five thousand dollars was borrowed upon the credit of said County and bonds of the County issued for that amount; and

Whereas, by reason of an error or omission in the said Acts Preamble.
in not providing some specific time when the said bonds would mature, the said bonds could not be made payable at the time intended by the said Board of Trustees, to wit, twenty years from the date of the said bonds; and

Whereas, it is deemed advisable by the said Board of Trus- Preamble.
tees that the said bonds should be refunded and a new loan issued; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That for the purpose of refunding the said New Refunding of New Castle County Workhouse loan.
Castle County Workhouse Loan, the Levy Court of New Castle County is hereby authorized and directed to borrow upon the credit of the said County, the sum of one hundred and seventy-five thousand dollars, and for such purpose shall issue certificates Levy Court to borrow money. Certificates.
of indebtedness of such denomination and in such form as by the said Levy Court may be deemed most expedient. Such certificates shall bear date July 1st, 1903, and shall be payable at the Date.
expiration of twenty years from the date thereof, and shall bear interest at the rate of four per centum per annum, payable semi- Rate of interest.
annually on the first days of January and July in each year. This loan shall be known as the "New Castle County Workhouse Name of.
Loan," and each certificate shall bear upon its face the words "For the establishment of the New Castle County Workhouse."

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- How applied.** This loan shall be kept separate and distinct from all other indebtedness of the County for the purpose of identification and liquidation as hereinafter provided. The money realized from the sale of the said certificates shall be paid to the said Board of Trustees, and the said Board of Trustees shall out of the money realized from the sale of the said certificates redeem the present outstanding loans and shall have authority to commute the premiums paid in the purchase of the present outstanding loans, the
- Cancellation.** certificates of which shall be, upon their redemption, cancelled and deposited with the Comptroller of New Castle County.
- Payable.** Section 2. The said bonds, principal and interest shall be payable at the Farmers' Bank at Wilmington, Delaware, out of money from time to time appropriated for that purpose by the said Board of Trustees of the New Castle County Workhouse. The said Board is hereby authorized and directed to pay the interest on the said bonds to the said Farmers' Bank at Wilmington, when and as the same shall become due. For the purpose of liquidating the said loan, the Board of Trustees of the New Castle County Workhouse is directed to create out of the
- Sinking fund.** net earnings of the Workhouse, a Sinking Fund, which is to be used for the express purpose of paying off the said Loan of One Hundred and Seventy-five thousand dollars at maturity.

Approved March 26, A. D. 1903.

CHAPTER 276.

OF THE LEVY COURT.

AN ACT RELATING TO THE SALARIES OF LEVY COURT COMMISSIONERS FOR NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

- Salaries \$1200.** Section 1. That the salaries of Levy Court Commissioners for New Castle County shall be Twelve Hundred Dollars per annum, payable quarterly, in installments of Three Hundred Dol-

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lars each, by warrants duly drawn upon the County Treasurer. How drawn.
That said Levy Court Commissioners shall not be entitled to have or receive from said County any other or further compensation than said salary of Twelve Hundred Dollars per annum for any services done or performed by them or any of them in their said office of Levy Court Commissioners for New Castle County.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved April 9, A. D. 1903.

CHAPTER 277.

OF THE LEVY COURT.

AN ACT IN RELATION TO THE COLLECTION OF TAXES FOR KENT COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. Every Collector of Taxes for hundreds and districts within the County of Kent shall, on the first Monday in each and every month, after he shall have received the duplicates of taxes and until January following, give notice by five or more advertisements posted in at least five of the most public places in the collection district of which he is Collector, that he will attend at convenient times and places during said month, stating the same, to receive taxes; in case any Collector of Taxes shall fail to attend at the times and places of which he has given notice, he shall, unless such failure to attend shall be shown to be unavoidable and not owing to his negligence, forfeit and pay to any person who may have called at such time for the purpose of paying his taxes, and did not find said Collector of Taxes in attendance to receive the same, the sum of ten dollars to be recovered before any Justice of the Peace in Kent County.

Collectors of taxes in Kent County to advertise time and place of sitting.

Failure to attend to cause forfeiture to taxable.

Every Collector of Taxes shall, at least one day in every

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How often
collector shall
sit.

week, between the hours of ten o'clock A. M. and twelve o'clock M. and from one o'clock P.M. to five o'clock P. M., attend at such places herein designated for the purpose of receiving taxes; and it shall be the duty of each and every Collector of Taxes to attend for like purposes at said place, at least one evening of one secular day in each month, between the hours of seven o'clock and nine o'clock P. M., said evening to be fixed by him in like manner as the daily attendance herein designated.

Abatement.

Section 2. That on all taxes paid before the first day of July there shall be an abatement of five per centum; on all taxes paid after the first day of July and before the first day of October there shall be an abatement of three per centum; on all taxes paid after the first day of October and before the first day of January there shall be no abatement.

Compensation
of collector.

Section 3. The compensation, or fees, of the said Collector of Taxes as aforesaid shall not be more than five per centum on all taxes paid before the first day of July; eight per centum on all taxes paid after the first day of July.

Duplicate As-
sessment List,
when issued.

Section 4. The Levy Court Commissioners shall, on or before the first day of May in every year, cause to be issued to the Collector of Taxes of each hundred or district a duplicate of the assessment list of the hundred or collection district of which he is collector. The said duplicate shall be certified by the Clerk of the Peace with a warrant thereto annexed.

Certified.

Section 5. That this Act shall repeal all laws or parts of laws in so far as inconsistent herewith and be deemed and taken to be a public Act.

Approved March 24, A. D. 1903.

OF THE LEVY COURT.

CHAPTER 278.

OF THE LEVY COURT.

AN ACT IN RELATION TO THE BONDING OF CERTAIN OFFICERS IN
SUSSEX COUNTY.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Section 1. That every Trustee of the Poor and Overseers Trustees of the Poor, and Overseers of the Road in Sussex County to give bond. of the Road in Sussex County, shall, before entering upon the duties of his office, give bond to the State of Delaware, with at least two Sureties to be approved by the Levy Court, in the penal sum of two hundred dollars, with conditions as follows, viz.:

"The condition of the above obligation is such, that if the above named Form of bond., who is in Sussex County, shall diligently and faithfully perform the duties incumbent upon him as such then the said obligation shall be void."

To this obligation shall be subjoined a warrant of Attorney to confess judgment thereon.

Approved March 24, A. D. 1903.

OF THE LEVY COURT.

CHAPTER 279.

AN ACT TO AMEND CHAPTER 54, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT RE-ORGANIZING THE LEVY COURT OF SUSSEX COUNTY AND DEFINING ITS POWERS AND DUTIES," BY INCREASING THE COMPENSATION OF THE MEMBERS OF SAID COURT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Salary of mem-
bers of Levy
Court of Sussex
County increas-
ed.

Section 1. That Section 5 of Chapter 54, Volume 22, of the Laws of Delaware, entitled "An Act reorganizing the Levy Court of Sussex County and defining its powers and duties," be and the same is hereby amended by striking out in the forty-sixth line of said Section 5, the following words and figures "two hundred dollars (\$200.00)," and inserting in lieu thereof the following, "three hundred dollars (\$300.00);" also further amend said Section 5 of said Chapter and Volume by striking out the word "fifty" in the forty-sixth line of said Section and inserting in lieu thereof the word "seventy-five."

Section 2. That the provisions of this Act shall become operative immediately upon its approval by the Governor.

Approved March 24, A. D. 1903.

CHAPTER 280.

OF THE LEVY COURT.

AN ACT TO AMEND CHAPTER 56, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT IN RELATION THE TO COLLECTION OF TAXES FOR SUSSEX COUNTY."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the whole of Section 3 of Chapter 56, Volume 22, Laws of Delaware, entitled "An Act in relation to the

OF THE LEVY COURT.

collection of taxes for Sussex County," be stricken out and the following section, to be known as Section 3, be substituted in lieu thereof:

"Section 2. That the compensation, or fees, of the said Collectors of Taxes as aforesaid shall not be more than five per centum upon all taxes collected before the first day of December and eight per centum on all taxes paid after the first day of December."

Fees of Collectors of Taxes in Sussex County.

Section 3. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 24, A. D. 1903.

 CHAPTER 281.

OF CLERK OF THE PEACE.

AN ACT TO AMEND CHAPTER IX, OF THE REVISED CODE OF 1893, SAID CHAPTER BEING ENTITLED "CLERK OF THE PEACE", BY PROVIDING THAT PERSONS APPLYING FOR MARRIAGE LICENSES SHALL NOT BE REQUIRED TO GIVE BOND TO THE STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter IX of the Revised Code of 1893, entitled "Clerk of the Peace," be, and the same is hereby amended by striking out in Section 16 of said Chapter all of said Section immediately following the word "law," the said word "law" being the last word in the first paragraph of said Section 16.

Marriage License—bond for, repealed.

Approved April 7, A. D. 1903.

OF ASSESSORS.

CHAPTER 282.

OF ASSESSORS.

AN ACT TO FURTHER AMEND CHAPTER 30, SECTION 6, VOLUME 17, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 27, SECTION 6, VOLUME 21, LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Assessors in the City of Wilmington to receive \$800 as salary per annum.

Section 1. That Chapter 30, Section 6, Volume 17, Laws of Delaware, as amended by Chapter 27, Section 6, Volume 21, Laws of Delaware, be further amended by striking out all of this said Section and inserting in lieu thereof the following:

Section 2. That each and every Assessor of each Assessment District in Wilmington Hundred, from and after the passage of this Act, shall receive the following compensation or salary as said Assessor the sum of Eight Hundred Dollars per year, payable quarterly by the Levy Court Commissioners of New Castle County.

Section 3. That this Act shall take effect immediately.

Section 4. That this Act shall be deemed and taken to be a public Act.

Section 5. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 17, A. D. 1903.

OF ASSESSORS.

CHAPTER 283.

OF ASSESSORS.

AN ACT IN RELATION TO THE REASSESSMENT OF THE PERSONS AND PROPERTY IN NANTICOKE HUNDRED, SUSSEX COUNTY, DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That within thirty days after the passage and approval of this Act the Assessor of Nanticoke Hundred, Sussex County, he and he is hereby authorized and directed to make

Assessor of Nanticoke Hundred to make general assessment.

a general assessment of all the assessable property within the first election district of the first Representative District of Sussex County and the first election district of the third Representative District of Sussex County, which general assessment shall stand and be acted on until the next general assessment in 1905,

Assessment to stand till 1905.

in which year and every four years thereafter a like general assessment shall be made for the two said election districts by the assessor elected for Nanticoke Hundred. That within ten days after such general assessment in said two election districts the said assessor shall post in five of the most public places in each of said election districts, an alphabetic list of the names of persons assessed in that District, with the separate sums of their real, personal and capitation tax and the aggregate amount, and at the same time and place and in the same manner he shall give notice that he will attend at a central place in said Hundred, named in said notice, within twenty days after the making such general assessment from 10 o'clock A. M. to 5 o'clock P. M. to correct any errors therein or for the purpose of assessing persons omitted.

Assessment list to be posted.

Notice of appeal.

That such assessor shall return his said assessments to the May Term of the said Levy Court, which said Term is hereby constituted for the assessment hereinbefore provided a Court of Appeals, subject to the same powers and duties imposed upon said Levy Court in respect to the quadrennial assessment of persons and property.

Assessment to be returned to May Term of Levy Court.

Approved March 24, A. D. 1903.

TITLE THIRD.

Of the Public Arms and Defence.

CHAPTER 284.

OF THE PUBLIC ARMS AND DEFENCE.

AN ACT TO AMEND CHAPTER 392, VOLUME 20, LAWS OF DELAWARE, ENTITLED "AN ACT TO PROVIDE FOR THE MAINTENANCE, DISCIPLINE AND REGULATION OF THE NATIONAL GUARD OF DELAWARE."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That said Act be and the same is hereby amended as follows:

National Guard shall consist of one regiment of eight companies.

Not to exceed nine hundred officers and men.

May be increased in war by Governor.

First. By striking out Section 2, and inserting in lieu thereof of Delaware shall consist of one regiment of infantry, composed of not more than eight companies, with one band or drum corps, and such other detachments as may be necessary for the completion of the organization, to be officered, uniformed, armed and equipped as hereinafter provided, and to be stationed as the Commander-in-Chief may designate; provided, that the force shall not exceed nine hundred and seventy-five officers and men; and provided, further, that the Governor, as Commander-in-Chief, shall have power in case of war, invasion, insurrection, riot or imminent danger thereof, to increase said force and organize the same as the exigencies of the case may require, which increase shall be disbanded as soon as the emergency ceases to exist.

Second. By striking out Section 3, and inserting in lieu

OF THE PUBLIC ARMS AND DEFENCE.

thereof the following: "Section 3, each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, ~~four~~ ^{Composition of each company.} duty sergeants, six corporals, two musicians, one artificer, two cooks, and not more than forty-eight privates, minimum thirty enlisted men. Each infantry band shall consist of one chief musician, one principal musician, one drum-major, who shall have the rank of a first sergeant, four sergeants, eight corporals, one cook, and twelve privates."

Third. By striking out Section 4.

Fourth. By striking out Section 5, and inserting in lieu thereof the following: "Section 5, each regiment of infantry shall consist of one colonel, one lieutenant colonel, three majors, one surgeon, with the rank of major, one chaplain, with the rank of captain, one adjutant, (an extra captain), one judge advocate, (an extra captain), one assistant surgeon (with rank of captain), one quartermaster, (an extra captain), one commissary of subsistence, (an extra captain), one inspector of rifle practice, (an extra lieutenant), three battalion adjutants, (extra first lieutenants), one sergeant-major, one quartermaster-sergeant, one commissary sergeant, two hospital stewards, two color sergeants, three battalion sergeant majors, and not less than six nor more than eight companies; provided, that if the companies of any regiment shall be from any cause reduced below the minimum number, those remaining shall be formed into a battalion and officered as the Commander-in-Chief may designate."

Fifth. By striking out Section 18, and inserting in lieu thereof the following: "Section 18, The Commander-in-Chief shall appoint a Board of Examiners, to be composed of three ^{Commander in Chief to appoint Board of Examiners.} commissioned officers, one of whom must be a surgeon, whose duty it shall be to examine into and report upon the qualifications, physical and mental, of all applicants for commission in the National Guard of Delaware, who may be ordered before the board for examination, and no commission shall be granted to the person so ordered before the board until the applicant shall have passed a satisfactory examination before the said board, provided that any applicant who shall have failed to pass a satisfactory examination, shall not be eligible for election to the office for which he was an applicant, until after the expiration of twelve months from the date of his examination."

OF THE PUBLIC ARMS AND DEFENCE.

Sixth. By striking out Section 30, and inserting in lieu thereof the following: "Section 30, the fines provided for by Section 29 of this Act, and all other fines, shall be imposed by a court martial or a summary court. Upon the finding of any such court martial or summary court imposing any of said fines, and upon the approval of the finding by the officer appointing said courts, the fine or fines so imposed, shall be and become at once payable; and in case any officer or enlisted man upon whom a fine has been imposed in accordance with the provisions of this Section, shall fail, refuse or neglect to pay the fine so imposed upon him, within ten days after he shall have been notified thereof, the said fine may be collected in the name of the State, before any Justice of the Peace in the county or city where the delinquent resides, in the same manner as other fines for offenses against the general police regulations of the State are collected, upon the certificate in writing of the proper officer, setting forth the finding of the court martial or summary court, and his approval thereof."

Fines to be imposed by court martial.

Neglect to pay.

Penalty.

Collection of.

Seventh. By striking out Section 33, and inserting in lieu thereof the following: "Section 33, All arms, equipments or other property furnished to organizations of the National Guard of Delaware, shall, when required by the Adjutant General, the commanding officer of the company, or commanding officer of the regiment to which said company belongs, or by the commanding officer of any detachment thereof, be deposited in the armory of said company, regiment or detachment, and any person to whom such property was issued, failing to deposit as aforesaid any article of such property unless properly accounted for within ten days after he shall have been notified, by written notice from the commanding officer as aforesaid, to return it to the armory, shall, upon conviction thereof by the Court of General Sessions of this State, be adjudged guilty of a misdemeanor, and shall be punished by a fine not exceeding double the value of the property thus illegally detained, or shall be imprisoned for not less than two weeks nor more than two months, or both. Provided further, that, when any arms, equipments or other property furnished to organizations of the National Guard of Delaware, are lost or damaged by the act or neglect of any officer or enlisted man, deduction may be made to the amount of such loss or damage, from any pay or allowance that may be or become due, under the provisions of this Act, to such officer or enlisted man."

Arms and equipments to be deposited in Armories when commanded.

Failure to obey order.

Conviction.

Penalty.

OF THE PUBLIC ARMS AND DEFENCE.

Eighth. By striking out Section 40, and inserting in lieu thereof the following: "Section 40, All fines and penalties imposed and collected through the sentence of courts martial or summary courts shall be paid into the State Treasury; and any State Detective, Sheriff or Constable neglecting or refusing to execute any process, or to make proper return of all fines collected, shall, upon conviction thereof by the Court of General Sessions of this State, be adjudged guilty of a misdemeanor, and shall be punished by a fine of one hundred dollars for each offense for the use of the State."

Fines to be paid to State Treasurer.

Refusal to execute process by proper officers a misdemeanor.

Penalty.

Ninth. By striking out Section 41, and inserting in lieu thereof the following: "Section 41, any officer or soldier failing to appear upon any occasion of duty, to which he shall be ordered by his proper commanding officer, shall be subject to a trial by court martial, and upon conviction, he shall be sentenced to pay such fine, or undergo such other lawful punishment, as such court martial may direct. That hereafter in time of peace all enlisted men charged with offenses now cognizable by garrison or regimental courts martial, may be brought before a summary court, which shall consist of the line officer second in rank at the post or station, or of the command of the alleged offender, and at stations where only officers of the staff are on duty, the officer second in rank shall constitute such court. The forms, practice and procedure in all courts martial and summary courts, shall be adopted and conducted as in similar tribunal in the United States Army, unless altered, amended or modified, from time to time, by orders from the Commander-in-Chief."

Failure to obey orders; subject to court martial.

Summary court.
How composed.

Tenth. By striking out Section 42, and inserting in lieu thereof the following: "Section 42, when it may be necessary to use any military force for public defense against foreign or domestic violence, or to preserve the public peace, the Governor, as Commander-in-Chief, shall have power according to the emergency, to call out any regiment, battalion, company, or any part thereof, for that purpose. For every day's service while on such duty, each private shall receive one dollar and fifty cents; each corporal one dollar and seventy-five cents; each duty sergeant two dollars; each non-commissioned staff and first sergeant, battalion sergeant, major, drum-major, and principal musician, two dollars and fifty cents; the chief musician, three dollars, besides necessary expenses; and each commissioned officer the minimum pay and allowance of officers of like grade in the

Powers of Governor as Commander in Chief.

Pay for service.

OF THE PUBLIC ARMS AND DEFENCE.

State Treasurer to pay upon warrant of Adjutant-General. United States Army. To be paid by the State Treasurer from any moneys not otherwise appropriated, upon warrants issued therefor by the Adjutant General, and countersigned by the State Military Board."

Regimental band. Eleventh. By striking out Section 48, and inserting in lieu thereof the following: "Section 48, the regimental band or drum corps shall receive, if found upon examination by the Military Board to be up to the proper standard of numbers, drill and discipline, the sum of Three Hundred Dollars annually, and regimental headquarters the sum of one hundred and fifty dollars annually, upon a warrant drawn by the Adjutant General to the order of the regimental commander."

Pay of commissioned officers for field practice, &c. Twelfth. By striking out Section 49, and inserting in lieu thereof the following: "Section 49, there shall be paid for each commissioned officer for each day's attendance for duty at field practice or review, and to each non-commissioned officer, musician and private, present for duty, the pay and allowance as provided for in Section 42 of this Act. And for the purpose of providing for annual field practice of the National Guard of Delaware, a sum of money, not exceeding the sum of Eight Thousand Dollars is hereby appropriated annually, and the State Treasurer is hereby authorized and directed to pay the warrant of the Adjutant General when countersigned by the State Military Board for that amount."

Appropriation of \$8,000. Thirteenth. By striking out Section 52, and inserting in lieu thereof the following: "Section 52, no bill or allowance authorized by the provisions of this Act, shall be approved and paid by the State Treasurer, unless the said bill or allowance is itemized and its contents duly sworn to or affirmed before an officer authorized by law to administer oaths or affirmations, provided, however, that the Adjutant General shall be permitted to draw his warrant on the State Treasurer, properly indorsed by the State Military Board to pay current expenses."

All bills to be itemized before being paid by State Treasurer.

Approved March 16, A. D. 1903.

TITLE FOURTH.

Of Elections.

CHAPTER 285.

GENERAL PROVISIONS.

AN ACT TO AMEND CHAPTER 393 OF VOLUME 20, LAWS OF DELAWARE, THE SAME BEING "AN ACT TO PROVIDE FOR THE PURITY OF PRIMARY ELECTIONS ON* NEW CASTLE COUNTY," GIVING THE RIGHT TO ALL QUALIFIED VOTERS AT THE GENERAL ELECTION TO VOTE AT THE SUBSEQUENT MUNICIPAL PRIMARY ELECTION IN THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring):

Section 1. That Section 18, Chapter 393, of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out all of said Section after the number "18" in the first line, and inserting in lieu thereof the following:

That the time for holding any primary election shall be after the first day of registration in the month of August, for the ensuing general election, and the time for holding primary elections in the City of Wilmington to nominate candidates to be voted for at a municipal election shall be in the month of May after the day for the revision of the registration of voters. The time for the revision of the registration of voters in the city of Wilmington for Municipal elections shall be and the same is here-

Time for holding primary election.

Revision of registration.

*Printed as enrolled.

GENERAL PROVISIONS.

by made the fourth Saturday previous to the day set for holding the election for municipal officers in the said city. The members of the Department of Elections for the City of Wilmington, in addition to the duties now required of them by law, shall demand of the Clerk of the Peace of New Castle County between the fifth and tenth of April of any year in which a municipal election is held, and it shall be the duty of the said Clerk of the Peace, to deliver to the said Department of Elections for the City of Wilmington, within two days after said demand, the original "Voting Books of Qualified Voters" and "Registers" for all the election districts in the City of Wilmington; and it shall be the duty of the Department of Elections for the City of Wilmington to revise and prepare the "Voting Books of Qualified Voters" as provided for General Elections, and all persons and only they whose names appear on the said "Voting Books of Qualified Voters" shall be entitled to vote at a primary election to nominate candidates to be voted for at the subsequent municipal election in the City of Wilmington, nor shall any person whose name is on the said "Voting Books of Qualified Voters" be disqualified from voting at the municipal election or be compelled to re-register because of the fact that he failed to vote at the previous general election. The time for opening the polls for the purpose of conducting the primary election under the provisions of this Act shall be one o'clock in the afternoon, and the time for closing the polls at such primary election shall be seven o'clock in the evening.

Department of Elections.

Duties of.

Who may vote at municipal primary election.

Time for opening polls.

Time for closing.

Section 2. That Section 18, Chapter 393, of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out of said Section after the number "19" in the first line of said Section, and inserting in lieu thereof the following:

Notice of desire to hold primary election.

Chairman or Secretary of political party to notify custodians of Voting Books, &c.

"That whenever a political party, organization or association desires to hold a primary election for the purpose mentioned in Section 2 of Chapter 393, the chairman or secretary of the regularly organized and constituted county or city committee or governing authority of such political party, organization or association, shall notify by letter the respective parties having the custody of the "Voting Books of Qualified Voters for Primary Elections" or the "Voting Books of Qualified Voters" in this Act and in Chapter 393, Volume 20, Laws of Delaware, provided, of their intention of holding a Primary election, stating the day on which

GENERAL PROVISIONS.

they desire the election held, which notification shall be at least two weeks prior to the time for holding such primary election. Notification—two weeks prior to election.

If no previous notice shall have been received by the said parties from no other political party of its intention to hold a primary election on that day, the said party shall, on or before twelve o'clock of the day for holding such primary elections for that political party, organization or association, deliver the two "Voting Books of Qualified Voters for Primary Elections" provided for in Chapter 393, Volume 20, Laws of Delaware, in case of a County Primary Election, or the two "Voting Books of Qualified Voters" in case of a Municipal primary election, for each general district that may be contained in the primary election in the hundred or election district of the County or of the City of Wilmington to which such "Voting Books of Qualified Voters for Primary Elections" or "Voting Books for Qualified Voters" shall apply. Delivery of Voting Books.

And it shall be the duty of the said inspector to have the same at the place of holding the primary election at the time of opening the polls on primary election day. Duty of Inspectors.

If any inspector shall refuse, neglect or fail to have the said "Voting Books of Qualified Voters for Primary Elections" at the place of holding the primary elections for any general or special election in the County, or the "Voting Books for Qualified Voters," at the place of holding the primary election for any municipal election in the City of Wilmington, at the time designated in this Act, he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall be punished for each such offense by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or both. Neglect. Misdemeanor. Penalty.

Section 3. That Section 20, Chapter 393, of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out all of said Section after the words "Primary Election" in the eighth line of said Section and inserting in lieu thereof the following: "For any general or special election in the county, the officers thereof shall examine the "Voting Books of Qualified Voters for Primary Elections" provided by Chapter 393, Volume 20, Laws of Delaware, and as each person shall apply to vote at any primary elections held for any municipal election, the officer thereof shall examine the "Voting Books of Qualified Voters" provided by this Act, and if they find thereon the name of the person applying to vote and be satisfied that he is the per-

Voters to vote at the primary election of only one political party.

GENERAL PROVISIONS.

son whose name is so registered, they shall enter the word "voted" after his name and such voter shall not be permitted to vote at any succeeding primary election held for that particular election, by any other political party, organization or association. The entry of the word "voted" as aforesaid shall be in such a manner as to indicate at what party primary election the voter has voted. No person whose name is not contained in the "Voting Books of Qualified Voters for Primary Elections," shall be allowed to vote or participate in any primary election for any general or special County election hereinafter held, and no person whose name is not contained in the "Voting Books of Qualified Voters" shall be allowed to vote or participate in any primary election for any municipal election hereafter held. It shall be the duty of the inspector within two days after the day of the primary election to return the said "Voting Books of Qualified Voters for Primary Elections" or "Voting Books of Qualified Voters," used by him at any primary election, to the person or persons from whom he received the same, who shall preserve them, and in case of the "Voting Books of Qualified Voters," within ten days after they have been returned to the Department of Elections for the City of Wilmington, the said Department shall deliver the said Books and Registers to the Clerk of the Peace of New Castle County, taking from them a receipt. If any inspector shall neglect, refuse or fail to return said "Voting Books" as directed in this section, the said Inspector so neglecting, failing or refusing shall, upon conviction therefor, be adjudged guilty of a misdemeanor and shall for every such offense be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a period not exceeding thirty days, or both.

Qualification of voters.

Inspectors to return books to Clerk of the Peace.

Neglect of duty.

Misdemeanor.

Penalty.

Section 4. That Section 24, of Chapter 393, Volume 20, Laws of Delaware, be and the same is hereby amended by inserting after the word "Elections" in the fifth line of said Section the following words: "or "Voting Books of Qualified Voters," and to further amend said Section by inserting after the word "appointed," in the seventh line of said Section the following words: "or the Clerk of the Peace shall lawfully neglect, refuse or fail to deliver to the Department of Elections for the City of Wilmington the said "Voting Books of Qualified Voters," and to further amend the said Section by inserting after the word "Elections" in the ninth line of said Section the following words: "or the Clerk of the Peace of New Castle County."

Neglect of Clerk of the Peace.

GENERAL PROVISIONS.

Section 5. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 24, A. D. 1903.

CHAPTER 286.

GENERAL PROVISIONS.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO PROVIDE FOR THE PURITY OF PRIMARY ELECTIONS IN NEW CASTLE COUNTY."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 40, of Chapter 393, Volume 20, of the Laws of Delaware, be and the same is hereby amended by inserting between the word "National" and the word "Political" in the fourth line of said Section, the words "or State." That Section 40 be further amended by inserting between "National" in the ninth line of said section, and the word "Political" in the tenth line of the same Section, the words "or state." That Section 40 be further amended by striking out the word "State" in line fourteen of said section, between the word "any" and the "County" of said section.

Not applicable to National or State Conventions.

Section 2. That the provisions of Chapter 393, Volume 20, of the Laws of Delaware, as hereby amended, be and the same are hereby re-enacted.

Approved March 26, A. D. 1903.

Qualified
voters.

Inspect
return of
Clerk of
Peace.

Neglect
duty.

Misdemeanor.

Penalty.

Neglect of
Clerk of the
Peace.

OF SALARIES.

Section 2. That the provisions of this Act shall go into effect immediately upon its adoption.

Section 3. That all Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved February 17, A. D. 1903.

CHAPTER 289.

OF SALARIES.

AN ACT TO INCREASE THE SALARY OF THE STATE LIBRARIAN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That on and after the second Tuesday in February, A. D. 1903, in lieu of the present salary, the salary of the State Librarian shall be eight hundred dollars. Salary of State Librarian.

Section 2. That all Acts, parts of Acts, or resolutions inconsistent with this Act are hereby repealed.

Approved February 17, A. D. 1903.

CHAPTER 290.

OF SALARIES.

AN ACT INCREASING THE SALARIES OF THE BAILIFFS OF THE COURTS IN AND FOR NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the salaries of the Bailiffs of the several courts in and for New Castle County be the sum of two dollars. Salary of Bailiffs.

OF SALARIES.

lars and fifty cents per day in lieu of the sum of two dollars per day as now provided by law.

Approved March 31, A. D. 1903.

CHAPTER 291.

OF BAILIFFS.

AN ACT PROVIDING FOR UNIFORMS FOR THE BAILIFFS OF THE COURTS OF NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Bailiffs to wear uniforms on duty.

Section 1. That from and after the approval of this Act the Bailiffs of the several Courts of New Castle County, when in the performance of their duties and attendance upon the Courts of said County, shall be clothed in some suitable and distinguishing uniform.

Judges to be sole arbiters of color, quality and style of uniforms.

Section 2. That the judges composing the Superior Court in and for New Castle County, for the May Term, A. D. 1903, be and they are hereby authorized to designate the style, color and quality of the uniforms to be worn by said Bailiffs.

To be worn only while on official duty.

Section 3. That the uniforms provided for by this Act shall not be worn by said Bailiffs only at such times when said Bailiffs are engaged in the performance of their official duties.

To be paid for by Levy Court.

Section 4. That the Levy Court of New Castle County shall furnish the uniforms provided for by this Act and shall pay the cost of the same out of the Treasury of said County.

Approved March 31, A. D. 1903.

OF THE SECRETARY OF STATE.

CHAPTER 292.

OF THE SECRETARY OF STATE.

AN ACT PROVIDING FOR A CONTINGENT FUND FOR THE SECRETARY OF STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That after this Act becomes a law the contingent fund of the Secretary of State shall be Twelve Hundred Dollars, ^{Contingent fund of Secretary of State.} and the State Treasurer shall annually pay to the Secretary of State the said sum of Twelve hundred dollars, which shall be used by said Secretary of State for the contingent expenses of his office.

The said Secretary of State shall settle his accounts for the ^{Audit of.} expenditure of said contingent fund, annually with the Committee appointed by the General Assembly for that purpose.

Approved March 23, A. D. 1903.

CHAPTER 293.

OF THE STATE TREASURER AND TRUSTEE OF THE SCHOOL FUND.

AN ACT DEFINING CERTAIN DUTIES OF THE STATE TREASURER AND PROVIDING FOR COMPENSATION AND OFFICE HELP IN THE COLLECTION OF FRANCHISE TAXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Whereas, The work of the treasury department has been ^{Preamble.} largely increased, growing out of the collection of franchise taxes,

OF THE STATE TREASURER AND TRUSTEE OF THE SCHOOL FUND.

as provided in Section 5, Chapter 166, Volume 21, Laws of Delaware;

Preamble.

And, Whereas, Said Act has made no provision affording the State Treasurer any additional clerical help, or compensation for said work; now, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Compensation to be 5 per cent. on all franchise taxes collected.

Section 1. That the State Treasurer shall receive five per centum on all franchise taxes collected by him from time to time for compensation and clerk hire in carrying out the provisions of Section 5, Chapter 166, Volume 21, Laws of Delaware, beginning with the fiscal year, A. D. 1903.

Not to exceed \$3000.

Provided, however, that if said commissions should, in any one year, aggregate a sum exceeding Three thousand dollars, then and in that case the said State Treasurer shall receive, in lieu of all commissions for said services, the sum of three thousand dollars and no more.

Shall keep open office in State House, and all books, accounts, &c.

Section 2. The State Treasurer shall occupy the office room provided for him by the State, and shall keep it open daily, unless obliged to vacate by reason of insurrection, conflagration, or epidemic disease, and shall keep therein all books of account, records, vouchers, papers, and all things pertaining to the conduct of the affairs of his office, and shall take proper means to safeguard and preserve the same.

Approved March 17, A. D. 1903.

OF SHERIFFS.

CHAPTER 294.

OF SHERIFFS.

AN ACT REQUIRING THE SHERIFF OF NEW CASTLE COUNTY TO PAY TO THE COUNTY TREASURER OF SAID COUNTY, ON THE 31ST DAY OF MARCH, 30TH DAY OF JUNE, 30TH DAY OF SEPTEMBER AND 31ST DAY OF DECEMBER EACH YEAR, ALL FEES AND COSTS THEN IN HIS HANDS DUE SAID COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the time this Act becomes a law it shall be the duty of the Sheriff of New Castle County to pay to the County Treasurer of said County on the 31st day of March, 30th day of June, 30th day of September and 31st day of December of each year all fees and costs then in his hands and due said county.

Section 2. That if the said Sheriff shall fail to comply with the provisions of Section 1 of this Act, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars, or imprisoned not exceeding six months, or both, in the discretion of the Court.

Approved March 31, A. D. 1903.

OF CONSTABLES.

CHAPTER 295.

OF CONSTABLES.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING THE APPOINTMENT OF AN ADDITIONAL CONSTABLE IN NEW CASTLE COUNTY."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Constable's
limit of duties
extended.

Section 1. That Section 1 of Chapter 26, Volume 14, of the Laws of Delaware, be and the same is hereby amended by striking out after the word "State" in the fifth line of said Section, the following: "except that he shall not be required to attend to any business without his consent at a greater distance than one mile from said town."

Section 2. All Acts or parts of Acts inconsistent with this Act, be and the same are hereby repealed.

Approved April 16, A. D. 1903.

CHAPTER 296.

OF CONSTABLES.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT A SPECIAL CONSTABLE FOR ST. JOSEPH'S INDUSTRIAL SCHOOL AT CLAYTON, KENT COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Governor be and he is hereby au-

OF CONSTABLES.

thorized to appoint a special Constable for St. Joseph's Industrial School, at Clayton, Kent County, whose duties and powers shall be the same as those possessed by county constables.

Special Constable for St. Joseph's School at Clayton.

Approved March 24, A. D. 1903.

CHAPTER 297.

OF RECORDER OF DEEDS.

AN ACT TO AUTHORIZE THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY TO MAKE NEW INDICES FOR DEEDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Recorder of Deeds in and for Sussex County be and he is hereby authorized and required to make, or cause to be made, pursuant to the Campbell system of indices, a true and correct copy of the indices to deeds recorded in his office; and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Sussex County.

Recorder of Deeds of Sussex County to make new indices for deeds pursuant to Campbell system.

Section 2. That Joseph L. Cahall and Charles W. Cullen be and they are hereby appointed Commissioners whose duty it shall be to examine such copy as aforesaid, and if they approve of the execution and exactness thereof, they shall certify the same to be a true and correct copy of said indices and then and after such certification the said copy shall become and be the indices of the said County in lieu of those heretofore and now in use; Provided, that the Superior Court of the State of Delaware in term time, or the resident Judge for Sussex County in vacation, may fill any vacancy caused by the death, refusal or failure, unwillingness or inability to act of said Commissioners or any one or more of them.

Joseph L. Cahall and Charles W. Cullen Commissioners to examine same.

Vacancy to be filled by Superior Court.

Section 3. That after the said Commissioners shall have certified as aforesaid, the Levy Court of Sussex County shall

OF RECORDER OF DEEDS.

Compensation. pay to the Recorder of Deeds and to the Commissioners a just and reasonable compensation for their services to be fixed by the Superior Court in and for Sussex County, in term time, or by the resident Judge of Sussex County in vacation, upon the application by said Recorder and the said Commissioners,* "provided, however, that the compensation allowed therefor shall not exceed the sum of One thousand five hundred dollars."

Amount.

System to be continued. Section 4. That the Recorder of Deeds in and for Sussex County is hereby authorized and required to continue said indices from and after the passage of this Act in lieu of those in use in said office at that time without compensation whatever for said continuation of said indices.

Approved March 24, A. D. 1903.

CHAPTER 298.

OF RECORDER OF DEEDS.

AN ACT TO AUTHORIZE THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY TO MAKE NEW INDICES FOR MORTGAGES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Recorder of
Deeds of Sus-
sex County to
make new in-
dices for
mortgages,
pursuant to the
Campbell
system.
Books for.

Section 1. That the Recorder of Deeds in and for Sussex County be and he is hereby authorized and required to make, or cause to be made, pursuant to the Campbell system of indices, a true and correct copy of the indices to mortgages recorded in his office; and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Sussex County.

Jos. L. Cahall
and Charles W.
Cullen Com-
missioners to
examine same.

Section 2. That Joseph L. Cahall and Charles W. Cullen be and they are hereby appointed Commissioners whose duty it shall be to examine such copy as aforesaid, and if they approve of the execution and exactness thereof, they shall certify the

*Printed as enrolled.

OF RECORDER OF DEEDS.

same to be a true and correct copy of said indices; and then and after such certification the said copy shall become and be the indices of the said County in lieu of those heretofore and now in use; Provided, that the Superior Court of the State of Delaware in term time, or the resident Judge for Sussex County in vacation, may fill any vacancy caused by death, refusal, unwillingness, failure or inability to act of said Commissioners or any one or more of them. Vacancy—to be filled by Superior Court.

Section 3. That after the said Commissioners shall have certified as aforesaid, the Levy Court of Sussex County shall pay to the Recorder of Deeds and to the Commissioners a just and reasonable compensation for their services to be fixed by the Superior Court in and for Sussex County in term time, or by the resident Judge of Sussex County in vacation, upon the application by said Recorder and said Commissioners,* “provided, however, that the compensation allowed therefor shall not exceed the sum of One thousand five hundred dollars. Compensation. Amount.

Section 4. That the Recorder of Deeds in and for Sussex County is hereby authorized and required to continue said indices from and after the date of the passage of this Act in lieu of those in use in said office at that time without compensation whatever for said continuation of said indices. System to be continued.

Approved March 24, A. D. 1903.

CHAPTER 299.

OF NOTARIES PUBLIC.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, FOR THE OFFICES OF HERBERT H. WARD AND ANDREW C. GRAY, ATTORNEYS-AT-LAW.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (a majority of of all the members elected to each House concurring therein):

Section 1. That the Governor be and he is hereby authorized and directed to appoint an additional Notary Public for

*Printed as enrolled.

OF NOTARIES PUBLIC.

Notary Public
for Wilmington
Hundred for
offices of Her-
bert H. Ward
and Andrew C.
Gray.

Wilmington Hundred, New Castle County, for the offices of Herbert H. Ward and Andrew C. Gray, attorneys-at-law.

Section 2. That all laws or parts of laws so far as they may be inconsistent herewith, be and the same are hereby repealed.

Approved February 10, A. D. 1903.

CHAPTER 300.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, DELAWARE, FOR THE REAL ESTATE OFFICE OF GEORGE R. TOWNSEND COMPANY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (a majority of all the members elected to each House concurring therein):

Notary Public
for office of
Geo. R. Town-
send Co., Wil-
mington Hun-
dred.

Section 1. That the Governor be and he is hereby authorized and directed to appoint an additional Notary Public for Wilmington Hundred, New Castle County, Delaware, for the real estate office of George R. Townsend Company.

Approved February 20, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 301.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, FOR THE OFFICE OF F. BLUMENTHAL & Co.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor of the State of Delaware be, Notary Public for office of F. Blumenthal & Co., Wilmington Hundred. and he is hereby authorized to appoint one additional Notary Public for Wilmington Hundred, New Castle County, for the office of F. Blumenthal & Co.

Approved February 23, A. D. 1903.

CHAPTER 302.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC FOR NEW CASTLE COUNTY, TO RESIDE IN THE CITY OF WILMINGTON FOR THE OFFICE OF DELAWARE INCORPORATORS' TRUST COMPANY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is hereby authorized and empowered to appoint an additional Notary Public in Notary Public for office of Del. Inc. Trust Co., Wilmington. and for New Castle County, to reside in the City of Wilmington, for the office of Delaware Incorporators' Trust Company.

OF NOTARIES PUBLIC.

Section 2. This Act shall be deemed and taken to be a public act.

Approved February 23, A. D. 1903.

CHAPTER 303.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC FOR NEW CASTLE COUNTY, TO RESIDE IN THE CITY OF WILMINGTON FOR THE OFFICE OF JULIAN C. WALKER.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Notary Public
for office of
Julian C. Walker,
Wilmington.

Section 1. That the Governor be and he is hereby authorized and empowered to appoint an additional Notary Public in and for New Castle County, to reside in the City of Wilmington, for the office of Julian C. Walker.

Approved February 23, A. D. 1903.

CHAPTER 304.

OF NOTARIES PUBLIC.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Notary Public
for office of A.
J. Kooch, Wil-
mington.

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public for Wilmington Hundred, New Castle County, for the real estate office of A. J. Kooch, Wilmington, Delaware.

Approved February 23, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 305.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, FOR THE OFFICE OF HARRY P. JOSLYN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor of the State of Delaware be and he is hereby authorized to appoint an additional Notary Public for Wilmington Hundred, New Castle County, for the office of Harry P. Joslyn.

Notary Public
for office of
Harry P. Joslyn,
Wilmington.

Section 2. That this act shall be deemed and taken to be a public act.

Approved February 23, A. D. 1903.

CHAPTER 306.

OF NOTARIES PUBLIC.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, FOR THE LAW OFFICES OF JOHN H. RODNEY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (a majority of all the members elected to each branch concurring therein):

Section 1. That the Governor be and he is hereby authorized and directed to appoint an additional Notary Public for

Notary Public
for office of John
H. Rodney,
New Castle
County.

OF NOTARIES PUBLIC.

Wilmington Hundred, New Castle County, for the law offices of John H. Rodney.

Section 2. That all laws or parts of laws so far as they may be inconsistent herewith, be and the same are hereby repealed.

Approved February 26, A. D. 1903.

CHAPTER 307.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, DELAWARE, FOR THE OFFICE OF THE CITY CLERK OF WILMINGTON, DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Notary Public
for office of
City Clerk of
Wilmington.

Section 1. That the Governor be and he is hereby authorized and directed to appoint an additional Notary Public for Wilmington Hundred, New Castle County, Delaware, for the office of the City Clerk of Wilmington, Delaware.

Approved March 13, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 308.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT A NOTARY PUBLIC FOR THE OFFICE OF PETER J. FORD AND COMPANY OF WILMINGTON, DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor of the State of Delaware be and he is hereby authorized to appoint one additional Notary Public for Wilmington Hundred, New Castle County, for the office of Peter J. Ford & Company.

Notary Public
for office of
Peter J. Ford
& Co.

Section 2. That the person so appointed Notary Public under and by authority of this Act shall be an officer or employee of the said company, and if at any time afterwards and during the period whilst his commission as Notary Public should otherwise continue, said officer shall cease to hold a position with said company, the position of such person as Notary Public shall expire and be vacated and the Governor shall appoint another person who shall be an officer or employee of the said company, in his stead as Notary Public in the said Wilmington Hundred.

To be an officer
or employee of
said company.

Section 3. This Act shall repeal all laws or parts of laws so far as they may be inconsistent herewith and be deemed and taken to be a public Act.

Approved March 17, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 309.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, FOR THE OFFICE OF THE PUSEY AND JONES COMPANY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Notary Public
for Pusey &
Jones Company.

Section 1. That the Governor of the State of Delaware, be and he is hereby authorized to appoint one additional Notary Public for Wilmington Hundred, New Castle County, for the office of The Pusey & Jones Company.

Approved March 19, A. D. 1903.

CHAPTER 310.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR CHRISTIANA HUNDRED, NEW CASTLE COUNTY, WHOSE OFFICE SHALL BE AT THE NEW CASTLE COUNTY WORKHOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Notary Public
for office of
New Castle Co.
Workhouse.

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public for Christiana Hundred, New Castle County, whose office shall be at the New Castle County Workhouse.

Approved March 23, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 311.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR NEW CASTLE COUNTY FOR THE OFFICE OF A. B. STAYTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is hereby authorized and directed to appoint an additional Notary Public for New Castle County for the office of A. B. Stayton in the City of Wilmington.

Notary Public
for office of A.
B. Stayton.

Approved March 23, A. D. 1903.

CHAPTER 312.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, DELAWARE, FOR THE OFFICE OF THE AMERICAN ASSURANCE CO.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is hereby authorized and directed to appoint an additional Notary Public for Wilmington Hundred, New Castle County, Delaware, for the office of The American Assurance Company.

Notary Public
for office of
American As-
surance Co.

Approved March 23, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 313.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR ST. GEORGES HUNDRED, NEW CASTLE COUNTY, TO RESIDE IN THE TOWN OF ODESSA.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Notary Public
for St. George's
Hundred to re-
side in Odessa.

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public for St. Georges Hundred, New Castle County, to reside in the town of Odessa.

Approved March 23, A. D. 1903.

CHAPTER 314.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, FOR THE OFFICE OF AMERICAN SURETY COMPANY OF NEW YORK.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Notary Public
for office of
American
Surety Co.

Section 1. That the Governor of the State of Delaware be, and he is hereby, authorized to appoint one additional Notary Public for Wilmington Hundred, New Castle County, for the office of the American Surety Company of New York in the Hundred and County aforesaid.

Approved March 23, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 315.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR WILMINGTON HUNDRED, NEW CASTLE COUNTY, FOR THE OFFICE OF THE "PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Section 1. That the Governor of the State of Delaware be, and he is hereby, authorized to appoint one additional Notary Public for Wilmington Hundred, New Castle County, for the office of the Philadelphia, Baltimore and Washington Railroad Company.

Notary Public
for P. B. & W.
Railroad at
Wilmington.

Approved March 23, A. D. 1903.

CHAPTER 316.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC FOR NEW CASTLE COUNTY, TO RESIDE IN THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Governor be and he is hereby authorized and empowered to appoint an additional Notary Public in and for New Castle County to reside in the City of Wilmington, for the office of Register of Wills.

Notary Public
for office of
Register of
Wills for New
Castle County.

Approved March 23, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 317.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR KENT COUNTY, RESIDENT IN THE TOWN OF DOVER.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Notary Public
for Dover, Kent
County.

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public for Kent County, resident in the town of Dover.

Approved January 22, A. D. 1903.

CHAPTER 318.

OF NOTARIES PUBLIC.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT A NOTARY PUBLIC FOR KENT COUNTY TO RESIDE IN WEST DOVER HUNDRED, FOURTH REPRESENTATIVE DISTRICT AT OR NEAR THE TOWN OF HARTLEY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Notary Public
for town of
Hartley.

Section 1. That the Governor be and he is hereby authorized and empowered to appoint a Notary Public for Kent County who shall reside in West Dover Hundred, Fourth Representative District, at or near the town of Hartley.

Approved February 23, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 319.

OF NOTARIES PUBLIC.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT A NOTARY PUBLIC FOR KENT COUNTY, TO RESIDE IN NORTH MURDERKILL HUNDRED, SEVENTH REPRESENTATIVE DISTRICT AT OR NEAR THE TOWN OF WOODSIDE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is authorized and empowered to appoint a Notary Public for Kent County, who shall reside in North Murderkill Hundred, Seventh Representative District, at or near the town of Woodside.

Notary Public
for town of
Woodside.

Approved February 26, A. D. 1903.

CHAPTER 320.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE APPOINTMENT OF A NOTARY PUBLIC FOR THE REAL ESTATE OFFICE OF COSGRIFF & REYNOLDS, IN THE TOWN OF SMYRNA.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is hereby authorized to appoint a Notary Public in the town of Smyrna, in Kent

OF NOTARIES PUBLIC.

Notary Public
for office of Cos-
griff and Reyn-
olds, Smyrna,
Del.

County, to have his place of business in the real estate office of Cosgriff & Reynolds in the said town, and that the duties and privileges of the Notary Public so appointed shall be confined exclusively to the business of said real estate office.

Approved March 9, A. D. 1903.

CHAPTER 321.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC IN AND FOR KENT COUNTY TO RESIDE IN THE TOWN OF HARRINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Notary Public
for town of Har-
rington, Kent
County.

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public in and for Kent County, to reside in the town of Harrington.

Approved March 19, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 322.

OF NOTARIES PUBLIC.

AN ACT TO PROVIDE FOR AN ADDITIONAL NOTARY PUBLIC FOR SUSSEX COUNTY TO RESIDE IN THE TOWN OF REHOBOTH.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor of the State of Delaware, be and he is hereby authorized to appoint one additional Notary Public for Sussex County, who shall reside in the town of Rehoboth.

Approved February 23, A. D. 1903.

CHAPTER 323.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR BROADKILN HUNDRED, SUSSEX COUNTY, DELAWARE, WHOSE OFFICE SHALL BE IN THE BANK OF THE SUSSEX TRUST, TITLE AND SAFE DEPOSIT COMPANY AT MILTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public for Broadkiln Hundred, Sussex County, Delaware, whose office shall be in the Bank of the Sussex Trust, Title and Safe Deposit Company, at Milton.

Approved March 23, A. D. 1903.

OF NOTARIES PUBLIC.

CHAPTER 324.

OF NOTARIES PUBLIC.

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT AN ADDITIONAL NOTARY PUBLIC FOR GEORGETOWN HUNDRED, SUSSEX COUNTY, WHOSE DUTIES SHALL BE CONFINED TO THE BUSINESS OF THE FIRST NATIONAL BANK OF GEORGETOWN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Notary Public
for First
National Bank
of Georgetown.

Section 1. That the Governor be, and he is hereby authorized to appoint an additional Notary Public for Georgetown Hundred, Sussex County, whose duties shall be confined to the business of The First National Bank of Georgetown.

Approved March 23, A. D. 1903.

CHAPTER 325.

OF PROTHONOTARIES.

AN ACT TO AUTHORIZE THE PROTHONOTARY OF KENT COUNTY TO REMOVE REVISED CODES OF 1852 TO THE STATE LIBRARY.

Whereas, There are stored in the Prothonotary's Office of the Superior Court in and for Kent County, a large number of the Revised Codes of 1852, Laws of Delaware,

And Whereas, The space occupied by the said Revised Codes is necessary for other and important books of said office; therefore,

OF PROTHONOTARIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Prothonotary of the Superior Court in and for Kent County, be and he is hereby authorized to deliver all the Revised Codes of 1852, Laws of Delaware, now in the custody of said Prothonotary, to the State Librarian, that the said Revised Codes may be lodged and deposited in the basement of the State Library.

Prothonotary
of Kent County
to deliver all
Revised Codes
of 1852 to State
Librarian.

Section 2. That upon the delivery of the Revised Codes aforesaid, to the State Librarian, the State Librarian shall give his receipt to the said prothonotary for the number of Revised Codes so delivered by the Prothonotary aforesaid, which said receipt shall be a sufficient discharge to the said Prothonotary, from any and all liability for or on account of the number of said Revised Codes so delivered.

Receipt for.

Approved March 31, A. D. 1903.

CHAPTER 326.

OF STATE CHEMIST.

AN ACT TO AMEND CHAPTER 438, VOLUME 17, LAWS OF DELAWARE, BEING AN ACT TO AMEND THE ACT ENTITLED "AN ACT PROVIDING FOR THE APPOINTMENT OF A STATE CHEMIST," BY FIXING THE FEE TO THE STATE CHEMIST FOR MAKING AN ANALYSIS OF ANY LIME AT THE SUM OF TWO DOLLARS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the State Chemist be and he is hereby required when any person or persons purchasing any lime, sold in this State, from any manufacturer or vendors, for their own use, and who, themselves, the purchasers, are citizens of this

State Chemist
to make an-
alysis of lime.

OF STATE CHEMIST.

State, submit to the State Chemist fair samples of any such lime for analysis (which said samples shall be selected in the same manner as prescribed by Section 6 of Chapter 438, Volume 17, Laws of Delaware, for selecting samples of fertilizers for analysis) to make any and all such analysis for the sum of two dollars, to be paid by said purchaser.

Fee.

Fee to be for
analysis of lime
as a compound.

Section 2. That the said State Chemist shall receive the sum of two dollars, only when he makes any analysis mentioned in Section 1 of this Act, and this Act shall not be construed to mean that said State Chemist is to be paid two dollars for each ingredient in any lime mentioned in Section 1 of this Act, and so analyzed by him.

Section 3. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved April 16, A. D. 1903.

CHAPTER 327.

OF BOARD OF HEALTH.

AN ACT TO AMEND CHAPTER 642, VOLUME 19, LAWS OF DELAWARE, ENTITLED "AN ACT TO ESTABLISH A STATE BOARD OF HEALTH FOR THE STATE OF DELAWARE, CHAPTER 21, VOLUME 16, AS AMENDED," BY GRANTING ADDITIONAL POWERS TO THE BOARD OF HEALTH OF THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 1 of Chapter 642, Volume 19, Laws of Delaware, be and the same is hereby amended by inserting in the fifteenth line of said Section 1, between the word "years" and the word "vacancies" the following:

"Provided, however, any delay in the appointment of a suc-

OF BOARD OF HEALTH.

cessor to any member whose term shall have expired shall not create a vacancy, but such member shall continue to serve as a member of said Board of Health until his successor is duly appointed and qualified."

Members of Board of Health to serve until successors are duly appointed and qualified.

Section 2. That Section 2 of said Chapter and Volume be and the same is hereby further amended by inserting in the fourteenth line of said Section 2, between the word "paid" and the word "the" the following:

"Provided, however, nothing contained in this Section shall be so construed as to prevent the said Board of Health from employing any of its members or any other person or persons for special service at a reasonable compensation."

Board may employ members or other persons at reasonable compensation.

Section 3. That Section 3 of said Chapter and Volume be and the same is hereby amended by striking out all of said Section 3 between the word "said" in the first line of said Section 3 and the word "and" in the twenty-first line of said Section, it being the second word in said line, and inserting in lieu thereof the following:

"Board of Health of the State of Delaware shall have supervision of all matters relating to the preservation of the life and health of the people of the State. The said Board of Health shall have supreme authority in matters of quarantine, and may declare and enforce such quarantine, when necessary, and where no quarantine exists; may modify, relax, or abolish it, where it has been established. The said Board of Health of the State of Delaware may make special or standing orders or regulations for the prevention of the spread of contagious or infectious diseases, and for governing the receipt and conveyance of the remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by a universal rule. The said Board of Health may also make and enforce orders in local sanitary matters, when in the judgment of the said State Board of Health, or its Executive Officer, an emergency concerning the public health exists, and the local Boards of Health have neglected or refused to act with sufficient promptness or efficiency, or when or where such local board has not been established, and all such expenses so incurred shall be paid by the city, town or county for which services are rendered upon bill presented to the treasurer of such city, county or town by the Secretary of the said Board of Health of the State of Delaware, and approved by the President thereof."

Powers of State Board of Health.

OF BOARD OF HEALTH.

Duty of local
Boards of
Health.

Neglect.

Misdemeanor.

Penalty.

The State
Board of
Health to make
inquiry as to
cause of epi-
demic and en-
demic diseases.

Other duties.

It shall be the duty of all local Boards of Health, health authorities and officials, officers of the State and County institutions, police officers, sheriffs, constables, and all other officers and employes of the State, or of any county, city, or town thereof to enforce such quarantine and sanitary rules and regulations as may be adopted by the Board of Health of the State of Delaware, and in the event of failure or refusal on the part of any member of said local boards or other officials, or persons mentioned in this Section so to act, he or they shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than fifty dollars for the first offense and not more than one hundred dollars for the second and each succeeding offense. The said Board of Health of the State of Delaware shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic or endemic, and take prompt action to control and suppress it. The reports of births and deaths, the sanitary condition and effects of localities, employments, the personal and business habits of the people, the relation of the diseases of beasts and man shall be subjects of careful study by the said Board of Health; and it may make and execute orders necessary to protect the people against diseases of the lower animals. It shall collect and preserve such information in respect to such matters and kindred subjects as may be useful in the discharge of its duties, and for dissemination among the people. It shall also encourage the establishment of local Boards of Health."

Increase of ap-
propriation for.

Section 4. That Section 7 of said Chapter and Volume be and the same is hereby amended by striking out in the ninth line of said Section the words "one thousand," and inserting in lieu thereof the words "twenty-five hundred."

Section 5. That said Section 7 of said Chapter and Volume be and the same is hereby further amended by striking out in the nineteenth line of said Section the words "one thousand" and inserting in lieu thereof the words "three thousand."

Section 6. That said Chapter and Volume be and the same is hereby further amended by adding the following, which shall be and is hereby declared to be Section 11 of said Chapter and Volume:

"That it shall be the duty of the Boards of Health authorities, and of physicians in rural districts or other localities where there are no health officials, to report to the Board of Health

OF BOARD OF HEALTH.

of the State of Delaware, the existence of any case of contagious or infectious diseases which may come under their observation; and when any contagious or infectious disease shall become or threaten to become epidemic, and the local authorities shall neglect or refuse to enforce efficient measures for its prevention, the Board of Health of the State of Delaware, or the Secretary thereof as its executive officer on the order of the President of said Board, may appoint a medical or sanitary officer and such assistants as the said Board or the Secretary thereof may require, and authorize, such medical or sanitary officer, to enforce such orders or regulations as the said Board or its Executive officer may deem necessary."

Duty of local Boards of Health authorities and physicians in rural districts to make report of contagious diseases.

Section 7. That said Chapter and Volume be and the same is hereby further amended by adding the following, which shall be and is hereby declared to be Section 12 of said Chapter and Volume:

"That all prosecutions and proceedings instituted by the Board of Health of the State of Delaware for the violation of any of the provisions of this Act or of the Act hereby amended, or any other law or laws to be enforced by the said Board of Health, or for the violation of any order or regulations of the said Board of Health shall be instituted by the Secretary thereof on the order of the President of said Board; and all laws prescribing the modes of procedure and penalties or judgments applicable to local Boards of Health shall apply to the Board of Health of the State of Delaware and the violation of its laws or orders; and all fines or judgments collected or received shall be paid over to the State Treasurer and applied to the General Fund of the State."

Suits for violation of law to be instituted by Secretary of State Board of Health.

Fines collected to be paid to State Treasurer.

Approved March 19, A. D. 1903.

OF BOARD OF HEALTH.

CHAPTER 328.

OF BOARD OF HEALTH.

AN ACT TO AMEND CHAPTER 345, VOLUME 16, LAWS OF DELAWARE, ENTITLED "AN ACT FOR THE PRESERVATION OF THE PUBLIC HEALTH," BY CONFERRING ADDITIONAL AUTHORITY ON LOCAL BOARDS OF HEALTH.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Additional
authority to
local Boards of
Health.

Section 1. That Section 3 of Chapter 345, Volume 16. of the Laws of Delaware, be and the same is hereby amended by striking out the words "contagious or infectious disease" wherever the same occur in said Section, and inserting in lieu thereof the words "sickness or ill health."

Violation of any
provisions of
the chapter.

Section 2. That Section 3 of said Chapter and Volume, as amended by Chapter 33, Volume 18, Laws of Delaware, be and the same is hereby further amended by striking out all of said section after the word "run" in the thirty-fourth line thereof and inserting in lieu thereof the following: "and whoever violates any provision of this chapter, or any regulation of the Board of Health made in pursuance thereof, or obstructs or interferes with the execution of any such order, or wilfully or illegally omits to obey any such order or neglects or refuses to comply with any requirement of this Act, shall be deemed guilty of a common nuisance, and upon conviction thereof before a justice of the peace, shall be fined in any sum not exceeding one hundred dollars, or imprisoned for any time not exceeding thirty days, or both; but no person shall be imprisoned under this section for the first offense and the prosecution shall always be and as for a first offense, unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or a repeated offense. If such violation, obstruction, interference or omission be by a corporation, said corporation shall be subject to

Guilty of
nuisance.

Fine or imprisonment.

OF BOARD OF HEALTH.

the aforesaid fine, and any officer of such corporation having authority over the matter, and permitting such violation, shall be subject to fine and imprisonment, or both, as heretofore provided.

Liability of Corporation.

That from the decision of the justice of the peace, under any of the provisions of this chapter, there shall be no appeal.

Section 3. That said chapter and volume be and the same is hereby further amended by adding to said chapter and volume the following which shall be and is hereby declared to be Section 17 of said chapter and volume.

"Every physician or other person having knowledge of any person who is suffering any disease dangerous to the public health, which the State Board of Health may require to be reported, shall report the same to the Health Board or official nearest his place of residence, giving the name, age, sex and color of the patient and the house or place where he or she may be found; and when complaint is made or a reasonable belief exists that an infectious or contagious disease exists in any house which has not been reported as hereinbefore required, the Board of Health or other health officers shall inspect or cause the house and locality to be inspected by its officers, and on discovering that such disease exists, the board may, as it deems best, send such persons to a quarantine hospital, or other place provided for such persons or may restrain them and others exposed within said house or locality from intercourse with other persons and prohibit ingress or egress to or from such premises."

Physician to report contagious disease to Board of Health nearest his place of residence.

House and locality to be inspected.

Section 4. That said chapter and volume be and the same is hereby further amended by adding to said chapter and volume the following, which shall be and is hereby declared to be Section 18 of said chapter and volume:

"It shall be the duty of the Board of Health when a case of small-pox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup or scarlet fever is reported within its jurisdiction, to at once cause to be placed in a conspicuous position on the house wherein any of the aforesaid diseases occur, a quarantine card, having printed on it in large letters the name of the disease within, and to prohibit entrance to or exit from such house without written permission from the Board of

House with inmates with contagious disease to be marked with quarantine card.

OF BOARD OF HEALTH.

Precautionary
measures.

Disinfection.

Board of Health
may employ
persons to
guard places
infection.

Health; and no person quarantined by a Board of Health on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the Board of Health; and every physician attending a person affected with any of the aforementioned diseases shall use such precautionary measures to prevent the spread of the disease as may be required by the Board of Health. No person shall remove, mar, deface or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly purified and disinfected by the Board of Health, and where other inmates of said house have been exposed to and are liable to become ill of any of said diseases, for a period thereafter counting from the completion of disinfection, as follows, to wit: In diphtheria and membranous croup, 14 days; in small-pox, 17 days; in scarlet fever, 10 days; in cholera or yellow fever, 7 days; in typhus fever, 21 days. The Board of Health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person, or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this chapter for the prevention of contagious or infectious disease or the orders of any Board of Health made in pursuance thereof.

Board of Health
to supply per-
sons under
quarantine
with food, fuel,
medical atten-
tion, &c.

When a house or other place is quarantined on account of contagious disease, it shall be the duty of the Board of Health having jurisdiction to provide for all persons confined in such house or place, food, fuel, and all other necessities of life, including medical attendance, medicine, and nurses, when necessary; the expense so incurred except those for disinfection, quarantine or other measures strictly for the protection of the public, when properly certified by the president and clerk of the Board of Health, or health officer where there is no Board of Health, shall be paid by the person or persons quarantined, when able to make such payment, and when not, by the city, town or county in which he or they were quarantined."

Section 5. That said chapter and volume be and the same

OF BOARD OF HEALTH.

is hereby further amended by adding to said chapter and volume the following, which shall be and is hereby declared to be Section 19 of said chapter and volume:

"Whenever quarantine is declared, all railroads, steamboats, or other common carriers, and the owners, consignees or assignees of any railroad, steamboat, stage or other vehicle used for the transportation of passengers, baggage or freight, shall submit to any rules or regulations imposed by any Board of Health or health officer; they shall submit to any examination required by the Board of Health or health officer; they shall submit to any examination required by the health authorities respecting any circumstance or event touching the health of the crew, operatives or passengers, and the sanitary condition of the baggage and freight; and any owner, consignee or assignee, or other person interested as aforesaid, who makes any unfounded statement or declaration respecting the points under examination, shall, upon conviction thereof before any court or justice of the peace, having jurisdiction, be subjected to the penalties herein provided for violations of the requirements of this chapter and the orders of the State or Local Boards of Health."

All common carriers to be subject to regulations of Board of Health.

Neglect.

Penalty.

Section 6. That said chapter and volume be and the same is hereby further amended by adding to said chapter and volume the following, which shall be and is hereby declared to be Section 20, of said chapter and volume.

"The State Board of Health or any Local Board of Health shall be authorized to erect any temporary wooden buildings or field hospitals deemed necessary for the isolation or protection of persons or freight supposed to be infected, and may employ nurses, physicians, and laborers sufficient to operate the same properly, and sufficient police to guard the same. The Board of Health may cause the disinfection, renovation or complete destruction of bedding, clothing or other property belonging to corporations or individuals, when such action seems to such board necessary, or a reasonable precaution against the spread of contagious or infectious diseases."

Board of Health may erect wooden buildings for infected persons.

Section 7. That said chapter and volume be and the same is hereby further amended by adding to said chapter and volume the following which shall be and is hereby declared to be Section 21, of said chapter and volume:

OF BOARD OF HEALTH.

Injury to persons constitutes offense.

"An offense charged under either of said sections shall be construed and held to have been committed in any county whose inhabitants are or have been injured or aggrieved thereby; and the continuance of any nuisance for five days after prosecution commenced therefor shall be deemed an additional offense."

Section 8. That all Acts or parts of Acts inconsistent herewith be and the same is hereby repealed.

Approved March 19, A. D. 1903.

CHAPTER 329.

OF INSURANCE COMMISSIONER.

AN ACT TO AMEND CHAPTER 99, VOL. 22, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-ENACT AND REVISE THE INSURANCE LAWS OF DELAWARE, IN ORDER TO MAKE THEM CONFORM WITH THE REQUIREMENTS OF THE AMENDED CONSTITUTION AND OF THE GENERAL CORPORATION LAW."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Not to reinsure in unauthorized companies without written consent of Insurance Commissioner.

Section 1. That Section 12, Chapter 99, Volume 22, Laws of Delaware, entitled "An Act to re-enact and revise the Insurance Laws of Delaware, in order to make them conform with the requirements of the amended Constitution and of the General Corporation Law," passed at Dover, March 22, A. D. 1901, be and the same is hereby amended by adding after the word "State" in the fifth line thereof, the words "except upon the written consent of the Insurance Commissioner."

Not to transfer risks to unauthorized companies without written consent of Insurance Commissioner.

Section 2. That said Section 12 of the Act aforesaid be further amended by adding after the word "fires" in the twelfth line thereof, the words "except upon the written consent of the Insurance Commissioner."

Section 3. That said Section 12 of the Act aforesaid be fur-

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there amended by adding after the word "State" in the seventeenth line thereof, the words "except upon the written consent of the Insurance Commissioner."

Approved March 31, A. D. 1903.

CHAPTER 330.

OF INSURANCE COMMISSIONER.

AN ACT TO PROVIDE STATE SUPERVISION OVER STATE BANKS, SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, TRUST COMPANIES, SAFE DEPOSIT, GUARANTEE SURETY AND BONDING CORPORATIONS IN THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Insurance Commissioner of this State shall hereafter have supervision over all banks (other than National Banks), building and loan associations, trust companies, safe deposit, guarantee and bonding corporations, incorporated under the Laws of Delaware, or doing business in this State, and said Insurance Commissioner shall secure the execution of all laws now in force or which may be hereafter enacted relative to such corporations, except only those provisions of law appertaining to taxation.

Insurance Commissioner to supervise banks and other financial institutions.

Section 2. From and after the passage of this Act, State banks, savings banks, trust companies and safe deposit corporations, and other companies engaged in like business, or in any manner receiving deposits of money, doing business in the State of Delaware, shall make to the Insurance Commissioner not less than two reports during each year, according to the form which may be prescribed by him, verified by the oaths or affirmations of the president or vice president, and cashier, or treasurer or secretary of such corporation, and attested by the signature of at least three directors; every such report shall exhibit un-

Banks and other financial institutions to make semi-annual reports to Insurance Commissioner.

Officers to verify report.

OF INSURANCE COMMISSIONER.

Report to be published by each corporation.

Special report.

Neglect.

Penalty.

der appropriate headings the resources and liabilities of the institution at the close of business on any day past specified by the Commissioner, and shall be transmitted to the Commissioner within twenty days after the receipt of a request or requisition therefor from him, and an abstract or summary of every report in such form as shall be prescribed by the Commissioner, shall be published by the corporation once in a newspaper published in the place where such corporation is established, or if there be no newspaper in the place, then in one published nearest such place in the same county, and such proof of publication shall be furnished as may be required by the Commissioner; such publication shall be made within two weeks after filing of such report, the expense thereof to be borne by the corporation, the Commissioner shall also have power to call for special reports from any such institution under his supervision whenever in his judgment the same are necessary to a full and complete knowledge of its conditions; every company or institution which fails to make and transmit any report required under this section shall be subject to a penalty of one hundred dollars for each day after the period herein specified that it delays to make and transmit its report, to be sued for and collected by the Commissioner in the name of and for the benefit of the State.

False statement or false entries a misdemeanor.

Section 3. Every director, officer, agent or clerk of any corporation affected by the provisions of Section 2 of this Act, who wilfully and knowingly subscribes or makes any false statement of facts or false entries in the books of such corporation, or knowingly subscribes or exhibits any false paper, with intent to deceive any person authorized to examine as to the condition of such corporation, or wilfully or knowingly subscribes to or makes any false report, shall be guilty of a misdemeanor and punished accordingly.

Insurance Commissioner to make examination. To have access to books, &c.

Section 4. When examination of corporations are to be made every such corporation shall be subject to the inspection and supervision of the Insurance Commissioner, and it shall be the duty of said Commissioner, whenever he shall deem it expedient, or at the request of any such corporation, to examine any such corporation, and it shall be the duty of the officers and employes of such corporation to exhibit its books, securities, records and accounts to said Commissioner, and otherwise to facilitate the same so far as it may be in their power; the said Commissioner

OF INSURANCE COMMISSIONER.

shall have power to examine, under oath or affirmation, the directors, officers and employes of any such corporation relative to its business and affairs, and for that purpose shall have power to administer oaths and affirmations.

Section 5. Proceedings may be instituted against any such corporation whenever it shall appear to the Insurance Commissioner that such are desirable, if the affairs of any corporation are in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority or in violation of law, or that it is unsafe or inexpedient for such corporation to continue business, and it shall be the duty of the Attorney General, on notice by the Insurance Commissioner, to institute such proceedings against the corporation as are authorized in the case of Delaware Insurance Companies, or such other proceedings as the nature of the case may require; if from any examination the Commissioner shall have reason to conclude that any such corporation is in an unsound or unsafe condition to do business, he may forthwith take possession of such corporation's property and business and retain such possession until the termination of the action or proceeding instituted by the Attorney General, or until the appointment of a receiver by due process of law.

Proceedings
against un-
sound corpora-
tions.

Duty of At-
torney General.

Power of Com-
missioner to
retain posses-
sion of property
of corporation.

Section 6. The said Commissioner shall receive for any examination made by him under the authority of this Act: For examining any corporation having a capital less than one hundred thousand dollars, twenty dollars; those having a paid in capital of one hundred thousand dollars and less than three hundred thousand dollars, twenty-five dollars; those having a paid in capital of three hundred thousand dollars and less than four hundred thousand dollars, thirty-five dollars; those having a paid in capital of four hundred thousand dollars and less than five hundred thousand dollars, forty dollars; those having a paid in capital of five hundred thousand dollars and less than six hundred thousand dollars, and all Savings Banks or Savings Funds, fifty dollars; those having a capital of six hundred thousand dollars and over, seventy-five dollars; which amounts shall be paid by the corporation examined and be a first claim upon its funds or the assets of the corporation examined, and the said Commissioner may maintain an action in the name of the State against any such

Compensation
of Commis-
sioner.

OF INSURANCE COMMISSIONER.

corporation for the recovery of such amounts, in any court of competent jurisdiction.

All surety
Companies to
file with Com-
missioner
certified copy of
charter, &c.

Section 7. It is hereby provided, that each corporation incorporated or hereafter to be incorporated under the law of this State and authorized by its Charter or Articles of Incorporation, to act as surety or guarantor, and so acting within this State, must file with the Insurance Commissioner of this State, a certified copy of its Charter or Act of Incorporation, an annual statement signed by its president, or one of its vice presidents and its secretary or some other executive officer, stating the amount of its paid up capital stock, its admitted assets, particularizing each item of investment, the amount of the current premium or existing bonds upon which it is surety, or guarantor, the amount of liability for insured portions thereof, estimated at the rate of fifty per centum of the current annual premiums, stating also the amount of its standing debts of all kinds, and such further statement as may be uniformly prescribed by the Insurance Commissioner to be made by corporations of this class.

Certificate of
authority.

License fee to
State.

Section 8. No such corporation shall hereafter do such business in this State before it shall have secured the certificate of authority of the Insurance Commissioner authorizing it to do business after filing in his office the statement hereinbefore required to be so filed, and paid to him for the use of the State, an annual State license fee of one hundred dollars. Such certificate of authority shall be of force for one year after the date thereof and no longer.

Additional fees
to State.

Fees of In-
surance Com-
missioner

Section 9. There shall be paid to the Insurance Commissioner for the use of the State, in addition to the State license fee of one hundred dollars hereinbefore required to be paid, each of the corporations mentioned in Section 8 the sum of ten dollars for filing a certified copy of its charter, the sum of ten dollars for filing its annual statement and two dollars for its annual certificate of authority from the Insurance Commissioner, and each such corporation shall pay to the Commissioner annually a fee of two dollars for issuing its said certificate and its proportionate share of publishing annually an abstract of the annual reports of companies or corporations of this class.

False report to
be perjury.

Section 10. Falsely swearing to any report required hereby shall be deemed to be perjury and punishable as our laws pre-

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scribe the punishment for perjury, and any corporation doing business in contradiction of the provisions herein contained shall be subject to and liable to pay a fine of one thousand dollars, to Penalty. be sued for and collected in an action brought, in the name of this State, in an appropriate Court.

Section 11. That any building and loan association, whether Building and Loan Associations to make annual report. existing under the laws of this State or of any other State, shall annually on the first day of January in each year, be required to furnish to the Insurance Commissioner of this State, a detailed statement of its condition at the close of the fiscal year immediately prior to the first day of January, giving a full detailed statement showing the gross amount of interest, premiums, repayments and dues received and collected by such association for the said fiscal year, and the amount of its earnings and its aggregate assets and liabilities at the close of the said fiscal year, which said statement shall be verified by the oath or affirmation of the president or secretary duly administered by some person authorized by the laws of the State to administer oaths.

Section 12. That every building and loan association which To report assets held in other States, &c. shall have assets consisting of investments in any other State, Territory, or the District of Columbia, other than this State, shall in the statement required by the foregoing section enumerate such assets, stating the amount held by said association in each of the States, Territories, or the District of Columbia, in which such assets are located; and that every building and loan association doing business in this State, created by the laws of any other State, Territory, or the District of Columbia, shall in addition to the detailed statement hereinbefore required by said association in this State, showing the interest, premiums, repayments and dues collected by said association within this State, the amount of assets held by said association in this State, and the amount of liabilities due shareholders residing in this State.

Section 13. That every building and loan association created by the laws of this State and doing business in no other State shall pay to the Insurance Commissioner, for the use of the State, at the time of filing such annual statement, an annual license fee of five dollars; that every building and loan association Building and Loan Associations. created by the laws of this State and doing business both in this State and elsewhere, shall pay to the Insurance Commissioner, for the use of the State, at the time of filing said annual statement, Annual license fees of.

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an annual license fee of twenty-five dollars; and that every building and loan association doing business in this State and created by the laws of any other State, Territory, or District of Columbia, shall pay to the Insurance Commissioner, for the use of the State, at the time of filing said annual statement, an annual license fee of one hundred dollars.

License to solvent Associations for one year.

Sec. State to issue to Insurance Commissioner blank licenses for Building and Loan Associations.

Section 14. That if it shall appear from the annual statement filed with the Insurance Commissioner, that an association is in a safe and solvent condition, then the Commissioner shall issue to such building and loan association a license authorizing said building and loan association to transact its business in this State for one year from the date thereof, unless the Commissioner shall deem it necessary for the protection of the members of the association or of the public to sooner revoke the same, which he is hereby empowered to do; and the Secretary of State is hereby authorized to issue to the Insurance Commissioner suitable blanks to be delivered to such building and loan association upon the payment of the annual license fee hereinbefore required.

Foreign Building and Loan Associations.

To file with Ins. Com. certified copy of charter and the names of its officers and the name of agent.

Section 15. That every building and loan association doing business in this State, but created by the laws of any other State, Territory, or the District of Columbia, shall, at the time of filing of the first annual statement required under the provisions of this Act, file with the said Insurance Commissioner a certified copy of its charter, and a certificate under its corporate seal and the hand of its president or head officer, attested by the secretary, designating the name and residence of some person or agent within this State upon whom service of process may be had.

Foreign Building and Loan Associations to deposit collateral equal to liabilities to shareholders in this State with State Treasurer.

State Treasurer to hold same in trust as security for judgment.

Section 16. That every building and loan association doing business in this State and created by the laws of any other State, Territory, or the District of Columbia, which shall not have more assets in this State than its liabilities to its shareholders residing in this State, shall be required to deposit with the State Treasurer good interest bearing or dividend paying securities whose market value shall equal or exceed the liability of such building and loan association to shareholders residing in this State, to be held for the benefit of the shareholders of such building and loan association residing in this State; said securities deposited with said State Treasurer shall remain with him in trust to secure any judgment which shall be obtained against such building and

OF INSURANCE COMMISSIONER.

loan association upon which execution may lawfully be issued against such association, said State Treasurer and his successor in office being hereby directed to so receive and thereafter retain such deposit under this Act in trust for the purpose hereof, such association, however, at all times to collect the interest, dividends and profits on such securities, and from time to time withdraw said securities or portions thereof, substituting therefor others of equally good character and value to the satisfaction of the State Treasurer, and such securities and substitutes therefor shall at all times be exempt from and not subject to levy under any writ of attachment, and shall not be subject to any process against such association without at least thirty days' notice to such association, specifying the time, place and manner of the sale thereof and the process under which and the purpose for which said securities are to be sold, accompanied with a copy of such process.

Interest or dividends to be collected by Corporation.

Substitution of other securities.

No service of process without notice.

Section 17. That the Insurance Commissioner shall in his report to the General Assembly include the condition of all building and loan associations doing business in this State, giving in detail the material facts embodied in the statement rendered to him by such building and loan association.

Insurance Commissioner to make report to General Assembly of condition of Building and Loan Associations.

Section 18. That it shall be the duty of the Insurance Commissioner to examine the affairs and condition of any building and loan association doing business in this State, whenever it shall be demanded by the written application of not less than twenty shareholders in said association, to publish the result of such examination in one or more newspapers of this State whenever he deems it for the interest of the public so to do, and for the purpose of such examination he shall have power to require free access to all books and papers of any building and loan association doing business in this State, and to examine any officer, agent or employee of such association under oath or affirmation, which he is hereby empowered to administer, relative to the affairs and condition of any building and loan association; and further, he may at any time require from any building and loan association, or any of its officers or agents, statements on such points as he deems necessary and proper to elicit a full and fair exhibit of its business standing. The expense of such examination shall be borne by the association which shall be so examined, unless such association shall be declared insolvent, in which

Commissioner to make examination of Building and Loan Association when asked in writing by twenty shareholders.

OF INSURANCE COMMISSIONER.

case the expense shall be paid by the State, and no two examinations shall take place within the period of two years.

Neglect. Section 19. That any building and loan association wilfully violating or failing to observe and comply with any of the provisions of this Act applicable thereto shall be subject to and liable to pay a penalty of not less than one hundred dollars for each violation thereof and for each failure to observe and comply with any of the provisions of this act; such penalty may be collected and reserved in an action brought in the name of the State in any court having jurisdiction thereof. Any building and loan association which shall neglect and refuse for thirty days after judgment in any such action to pay and discharge the amount of such judgment shall have its authority to transact business in this State revoked by the Insurance Commissioner, and such revocation shall continue for at least one year from the date thereof, nor shall any building and loan association whose authority to transact business shall have been revoked be again authorized or permitted to transact business in this State until it shall have paid the amount of any such judgment.

Penalty.

Revocation of license.

Associations doing business without authority guilty of misdemeanor. Section 20. That any agent of any building and loan association which shall not have obtained authority to do business in this State under the provisions of this Act, or the authority of which shall have been revoked by the Insurance Commissioner, who shall solicit business for said association in this State, shall be guilty of a misdemeanor, and, upon conviction thereof before any justice of the peace of the county in which the offence is committed, shall be fined not less than twenty-five dollars, and in default of payment of such fine, be imprisoned for a term not exceeding thirty days.

Penalty.

Compensation of Insurance Commissioner under this act. Section 21. The Insurance Commissioner shall receive as compensation for the duties and responsibilities hereby imposed upon him the sum of five hundred dollars annually, to be paid by the State Treasurer, together with the annual salary of the said Commissioner for supervising insurance affairs.

Compensation of clerk of Insurance Commissioner under this act. Section 22. The Clerk of the Insurance Commissioner, who is hereby required to perform the clerical work necessitated by the imposition upon the Commissioner of the duties prescribed by this act, shall be paid as compensation therefor, the sum of three hundred dollars annually, to be paid by the State Treasurer, with his salary in quarterly instalments.

OF INSURANCE COMMISSIONER.

Section 23. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 18, A. D. 1903.

CHAPTER 331.

OF STATE BOARD OF AGRICULTURE.

AN ACT TO AMEND CHAPTER 696, VOLUME XVIII, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR FARMERS' INSTITUTES" BY ADDING A PROVISIO THAT THE STATE BOARD OF AGRICULTURE MAY APPOINT A DIRECTOR FOR THE STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 3 of Chapter 696, Volume 18, Laws of Delaware, entitled "An Act providing for Farmers' Institutes," be and the same is hereby amended by adding to said Section 3, the following: "Provided, that the State Board of Agriculture may appoint a Director of Farmers' Institute for the State, to co-operate with the Farmers' Institutes of the several counties. The compensation of the said Director shall be fixed by the State Board of Agriculture, which said compensation shall not exceed the sum of one hundred dollars per annum, and which said compensation shall be paid from the funds appropriated by the State to the said State Board of Agriculture."

Approved March 31, A. D. 1903.

OF STATE BOARD OF AGRICULTURE.

CHAPTER 332.

OF STATE BOARD OF AGRICULTURE.

AN ACT TO AMEND CHAPTER 216, VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT TO PROVIDE AND ESTABLISH A STATE BOARD OF AGRICULTURE AND TO PRESCRIBE ITS POWERS & DUTIES."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 216, Volume 21, Laws of Delaware, be and the same is hereby amended by striking out the word "one" between the words "of" and "thousands" in line four of Section 2 and inserting in lieu thereof the word "three," and further amend the same by inserting after the word "animals" in line seven of Section 3 the words "to devise and execute measures necessary for the development of the Agricultural interests of the State," and amend the same further by striking out in line six of Section 18 the word "three" between the word "of" and the word "thousand" and inserting in lieu thereof the word "six."

Increase of
appropriation.

Additional
Powers.

Approved April 7, A. D. 1903.

CHAPTER 333.

OF STATE BOARD OF AGRICULTURE.

AN ACT FOR THE ENCOURAGEMENT OF IMMIGRATION, AND TO FOSTER THE AGRICULTURE INTERESTS OF THE STATE.

Preamble.

Whereas, The agriculture interests of this State are regarded by this General Assembly as of primary importance;

OF STATE BOARD OF AGRICULTURE.

And Whereas, It is manifest that in order to the develop- Preamble.
ment of our uncultivated lands and the fixed and permanent
establishment of a population corresponding with the capacity of
our sparsely populated territory;

And Whereas, The agriculture interests of Delaware demand Preamble.
an increase of labor to furnish increased facilities to plant and
harvest the various crops grown, it is eminently expedient for
us at this time to invite the population of other States, both
American and European, to fix their homes and invest their cap-
ital with us;

And Whereas, It is necessary, in order to this end, that the Preamble.
inhabitants of distant countries shall be particularly advised and
informed of our form of government, and of the numerous ad-
vantages of climate, soil and production which are here offered
to foreigners seeking settlement in other countries;

And Whereas, Many active and efficient agencies exist cap- Preamble.
able of giving a wide distribution to such authentic publication
as the State may make of her many advantages and inducements
to settlers from foreign States and States of the Union.

Now, therefore, the more effectually to diffuse the information
aforesaid, for the purposes aforesaid and for the objects of this
Act.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Section 1. That the members constituting the State Board State Board of
Agriculture to
be a Board of
Immigration.
of Agriculture, as the said Board is now constituted and as it
may be constituted hereafter, be and they are hereby created a
Board of Immigration Commissioners of the State of Delaware.

Section 2. That the Governor shall also be ex-officio mem- Governor ex-
officio member.
ber of said Board.

Section 3. The duties of said commissioners shall be:

First. To use all proper means to induce immigration into Duties of Com-
missioners.
this State, and for this purpose they are hereby authorized to
and may advertise in one or more papers or magazines published
in Europe and elsewhere, as they may deem best; provided that
they shall at all times exercise due care to prevent the bringing
into the State any person or persons who might endanger the
public morals, health, or peace, or good order of its citizens;

OF STATE BOARD OF AGRICULTURE.

Second. To prepare and publish pamphlets, with maps of the State and counties, essays and articles correctly describing the developed and undeveloped agricultural interests of the State, with information as to the general adaption of the soil of the different counties for the various products, and such other local information as may be of interest to immigrants;

Third. To employ such means as may be at their disposal to properly represent the advantages of schools, climate, soil, diversity of crops grown, and facilities of communicating offered by Delaware to persons desiring to secure homes;

Fourth. To contract with and appoint an agent or agents in Europe and elsewhere, and by such other methods as their judgment may direct, invite and encourage immigration to this State;

Fifth. To make contracts with railroads, steamboat lines and other transportation companies, securing a low rate of fare to emigrants, and to make necessary preparations for their reception and temporary accommodation;

Sixth. To encourage the formation of, and, when requested, advise as to the best measures of establishing local agricultural societies for the procuring of foreign labor, and, as far as in their power, supply the wants of such societies, without partiality or favoritism, when made through their proper officers; provided always that no expense is incurred by the State.

Not to receive
any compensation
except that
allowed by law.

Exception.

Section 4. It shall not be lawful, under penalty of forfeiture of commission, for said commissioners to receive any commission or any compensation, directly or indirectly, for the performance of the duties hereinbefore enumerated other than that allowed under the provisions of this Act; provided always that said commissioners are not hereby prohibited from inviting the co-operation of transportation companies in furtherance of the purposes of this Act, and accepting such courtesies and facilities as they may tender them.

To settle with
State Auditor
Report to
Governor.

Section 5. That said commissioners shall, annually, on or before the second Tuesday of December, settle with the State Auditor and make a full report to the Governor, to be by him laid before the Legislature at its biennial sessions.

Section 6. That the sum of twenty-five hundred dollars is

OF STATE BOARD OF AGRICULTURE.

hereby appropriated out of any moneys in the Treasury ^{not Appropriation.} otherwise appropriated for the purpose of carrying out the provisions of this Act, five hundred dollars of which shall be equally divided among said commissioners as compensation for services performed under the provisions of this Act; and the Governor is hereby authorized, at his discretion, to issue his warrant on the State Treasurer for the sum hereby appropriated, or so much thereof as shall be necessary, from time to time.

Section 7. That this Act and all the provisions thereof shall remain in force and effect for the period of two years from the approval hereof by the Governor, and at the expiration of that period the same shall cease, terminate and become inoperative. ^{Act to expire at end of two years.}

Approved March 19, A. D. 1903.

CHAPTER 334.

OF STATE DETECTIVES.

AN ACT TO REGULATE THE BUSINESS OF DETECTIVES WITHIN THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That any person or persons who shall engage in the business of a detective for hire or reward, or who shall advertise his or their business to be that of a detective or as conducting a detective agency, without having first obtained a license so to do from the Court of General Sessions sitting in and for the county wherein the principal office of such detective or of such agency is located, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to suffer imprisonment not exceeding one year, or both, in the discretion of the Court; provided that this Section shall become operative on the first day of June, A. D. One Thousand Nine Hundred and Three, and not prior to that time. ^{Private detectives prosecuting their business, guilty of a misdemeanor, without license from Court of General Sessions.} ^{Penalty.} ^{Not operative before June 1, 1903.}

OF STATE DETECTIVES.

Court of General Sessions may grant license to detectives.

Fee for license.

Good character a prerequisite.

Bond.

Application for license to be filed with Clerk of the Peace two weeks before session of court.

Jurisdiction under license.

Not to apply to State Detectives.

Section 2. It shall and may be lawful for the Court of General Sessions sitting in and for the county within which the principal office of any person or persons intending to conduct the business of a detective or of a detective agency, shall be located, to issue a license to such person or persons applying therefor, for the purpose specified in Section 1 of this Act, upon the payment of a fee of seventy-five dollars for the use of such county, which license shall extend for the period of three years and shall be revocable at all times by the Court of General Sessions upon cause shown; but no such license shall be granted until satisfactory proof of the competency and integrity of the person or persons applying therefor shall have been made to the Court by petition or otherwise, and until a bond shall have been entered, with approved security in the sum of two thousand dollars, by such person or persons, conditioned for the faithful and legal performance of his or their duty. Such bond shall be taken in the name of the State of Delaware, and any person injured or aggrieved by the unfaithful or illegal act of such person or persons may bring suit on said bond in the name of the State of Delaware to his or their use, provided, that such application for a license shall be filed in the office of the Clerk of the Peace for the period of two weeks before the first day of the session of the Court to which such application is made, and public notice thereof shall be given by advertisement once a week, for two weeks next preceding the first day of the said session of the Court, in a newspaper of general circulation in the county.

Section 3. Any person or persons licensed as aforesaid shall have authority to serve warrants and writs in criminal cases anywhere in the State.

Section 4. This Act shall not apply to the detectives for the State of Delaware appointed by the Governor of the State.

Approved April 16, A. D. 1903.

OF COUNTY COMPTROLLER.

CHAPTER 335.

OF COUNTY COMPTROLLER.

AN ACT REQUIRING THE COUNTY COMPTROLLER OF NEW CASTLE COUNTY TO EXAMINE AND AUDIT THE ACCOUNTS OF THE SHERIFF OF SAID COUNTY AND REPORT TO THE LEVY COURT OF SAID COUNTY THE AMOUNT OF FEES AND COSTS COLLECTED BY SAID SHERIFF, PREVIOUS TO EACH AUDIT, SAID AUDITS AND REPORTS TO BE MADE IN THE LAST WEEK OF MARCH, JUNE, SEPTEMBER AND DECEMBER OF EACH YEAR AND TO ONLY BE MADE CONCERNING THE THREE MONTHS NEXT PRECEDING THE FIRST DAY OF THE MONTH NEXT SUCCEEDING THE TIME THEY ARE BY THIS ACT REQUIRED TO BE MADE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That it shall be the duty of the County Comptroller of New Castle County to examine and audit the accounts of the Sheriff of said county and report to the Levy Court of said county the amount of fees and costs collected by said Sheriff, previous to each audit, said audit and reports to be made in the last week of March, June, September and December of each year, and to be only made concerning the three months next preceding the first day of the month next succeeding the time they are by this Act required to be made. In each of the said reports the said County Comptroller shall state in a clear and concise manner the amount of fees and costs collected by said Sheriff during the periods aforesaid, respectively, so that it shall clearly appear what amount, if any, is then due from said Sheriff to the County of New Castle.

County Comptroller to audit accounts of Sheriff of New Castle County. Report to Levy Court.

Contents.

Approved March 31, A. D. 1903.

OF ROAD COMMISSIONERS.

CHAPTER 336.

OF ROAD COMMISSIONERS.

AN ACT RELATING TO THE ACCOUNTS OF THE ROAD COMMISSIONERS OF THE SEVERAL HUNDREDS OF NEW CASTLE COUNTY, AND THE AUDITING OF THE SAME.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Road Commissioners of New Castle County to keep books of accounts.

To be audited by County Comptroller.

Section 1. That the Road Commissioners of the several hundreds of New Castle County shall keep books of accounts in which shall be entered in detail all receipts and disbursements by them, and all debts due or owing to and from them, and they shall, on demand of the County Comptroller of said county, submit to him for examination all such books of accounts and all checks, orders, vouchers and other papers in their possession or control relating to the financial condition of their respective hundreds.

Neglect of duty. Section 2. That if any such Road Commissioner shall refuse or neglect to comply with any of the requirements of Section
Misdemeanor. 1 of this Act, he shall be deemed guilty of a misdemeanor, and
Penalty. on conviction thereof, be fined not more than two hundred dollars, or be imprisoned for not more than one year, or both, at the discretion of the Court.

Duty of County Comptroller.

To make detailed report.

Section 3. That the County Comptroller of New Castle County shall examine and audit the books, accounts, vouchers and other papers of the Road Commissioners of the several hundreds of said county for the year ending June 30, 1903, and each year thereafter, and make to the Levy Court of said county a full and detailed report thereof, in writing and under oath, and the said Levy Court shall cause such report to be printed and published in pamphlet form, and such number as may be deemed necessary.

Cost of report to be paid by Levy Court.

Section 4. That the expenses of printing and distributing said report shall be paid by the said Levy Court and deducted,

OF ROAD COMMISSIONERS.

in equal shares, from the amounts due the several hundreds for road taxes.

Section 5. That Chapters 261 and 262 of Volume 21, of the ^{Repeal.} Laws of Delaware, and Chapter 107 of Volume 22 of the Laws of Delaware, are hereby repealed.

Approved March 31, A. D. 1903.

CHAPTER 337.

OF ROAD COMMISSIONERS.

AN ACT AUTHORIZING THE ROAD COMMISSIONERS OF NEW CASTLE HUNDRED TO FUND THE FLOATING DEBT OF SAID HUNDRED AND PROVIDING FOR THE PAYMENT THEREOF.

Whereas, The Road Commissioners of New Castle Hundred ^{Preamble.} have a floating debt of long standing, amounting to about seven thousand dollars, for the payment of which there is no adequate method provided by law; and

Whereas, It is proper that provision be made for the pay- ^{Preamble.} ment of said floating debt; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the said Road Commissioners of New Cas- ^{Road Commis-} tle Hundred, New Castle County, be and they are hereby author- ^{sioners to bor-} ized to borrow in the name of the Road Commissioners of New ^{row money.} Castle Hundred, and their successors, the sum of seven thousand ^{Amount.} dollars for the purpose of paying said floating debt.

Section 2. That for the purpose aforesaid the said Road Commissioners shall be and they are hereby authorized to execute in their names as Road Commissioners, and to issue, seven bonds to secure the payment of the said seven thousand dollars, ^{Bonds.} said bonds to be numbered consecutively, numbers one to seven inclusive, and each bond to be of the denomination of one thou- ^{Denomination.} sand dollars and to bear interest from their date at the best rate which can be obtained not exceeding five per centum per annum, ^{Interest.} payable semi-annually. The principal of said bonds shall be made

OF ROAD COMMISSIONERS.

Payable. payable as follows: The first thereof on the first day of January, nineteen hundred and four; and one of said bonds to become due and payable on the first day of January of each and every year thereafter.

Commissioners to negotiate loan.

Section 3. That for the purpose of negotiating said loan, George D. Whitfield, Robert McFarlin and Paul Gillis are hereby appointed Special Commissioners to procure and have prepared the said bonds; to see the same are properly executed by the said Road Commissioners; to make sale thereof and to receive and apply the money obtained therefor to the payment of the floating debt aforesaid. Provided, however, that nothing contained in this Act shall authorize the said Special Commissioners to pay to the said Road Commissioners, directly or indirectly, any of the amount so received from the sale of said bonds, until after all the said floating indebtedness has been fully paid and discharged. If there shall be any balance of the said moneys so received by the said Special Commissioners after paying the floating debt aforesaid, such balance shall be paid by the said Commissioners to the County Treasurer to be applied by him as hereinafter provided. Before entering upon the duties imposed upon them by this Act the said Special Commissioners shall enter into bond to the State of Delaware in the penal sum of fourteen thousand dollars, conditioned for the faithful performance of the duties imposed upon them by this Act, said bond to be approved by one of the Judges of the Superior Court of the State of Delaware, and upon its approval to be filed with the County Treasurer. As compensation for their services, each Special Commissioner shall receive the sum of seventy-five dollars, to be paid by the Road Commissioners of said Hundred, upon the completion of the duties required of them by this Act.

Money, how applied.

Balance, how applied.

Bond of Commissioners.

Compensation.

Principal and interest to be paid by County Treasurer from taxes raised in said Hundred.

Section 4. The principal and interest of said bonds shall be paid by the County Treasurer and Receiver of Taxes of New Castle County out of the road taxes raised in said New Castle Hundred from year to year, and the Collector of Taxes for New Castle Hundred shall pay annually to the County Treasurer and Receiver of Taxes out of the road taxes collected by him the amounts necessary to pay off each of said bonds as the same becomes due and payable with interest, together with the unpaid and accrued interest on the bonds remaining in force and unpaid.

Approved February 23, A. D. 1903.

OF ROAD COMMISSIONERS.

CHAPTER 338.

OF ROAD COMMISSIONERS.

AN ACT AUTHORIZING THE COMMISSIONERS OF ROADS OF BRANDYWINE HUNDRED TO FUND THE FLOATING DEBT OF SAID HUNDRED AND PROVIDING FOR THE PAYMENT THEREOF.

Whereas, The Commissioners of Roads of Brandywine Hundred have a floating debt of long standing, amounting to about nine thousand dollars, for the payment of which there is no adequate method provided by law; and Preamble.

Whereas, It is proper that provision be made for the payment of said floating debt; therefore Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the said Commissioners of Roads of Brandywine Hundred, New Castle County, be and they are hereby authorized to borrow in the name of the Commissioners of Roads of Brandywine Hundred, and their successors, the sum of nine thousand dollars for the purpose of paying said floating debt. Road Commissioners to borrow money to pay debt.

Section 2. That for the purpose aforesaid the said Commissioners of Roads shall be and they are hereby authorized to execute in their names as Commissioners of Roads, and to issue nine bonds to secure the payment of the said nine thousand dollars, said bonds to be numbered consecutively, numbers one to nine inclusive, and each bond to be of the denomination of one thousand dollars and to bear interest from their date at the best rate which can be obtained not exceeding five per centum per annum, payable semi-annually. The principal of said bonds shall be made payable as follows: The first thereof on the first day of January, nineteen hundred and four; and one of said bonds to become due and payable on the first day of January of each and every year thereafter. To issue bonds.
Number of.
Amount.
Denomination.
Rate of interest.
Payable.

Section 3. That for the purpose of negotiating said loan,

OF ROAD COMMISSIONERS.

Special Commissioners to prepare bonds and make sale of same.	William Danzenbaker, Edward Bringham, Jr., and Thomas T. Weldin are hereby appointed Special Commissioners to procure and have prepared the said bonds; to see the same are properly executed by the said Commissioners of Roads; to make sale thereof and to receive and apply the money obtained therefor to the payment of the floating debt aforesaid. Provided, however, that nothing contained in this Act shall authorize the said Special Commissioners to pay to the said Commissioners of Roads, directly or indirectly, any of the amount so received from the sale of said bonds, until after all the said floating indebtedness has been fully paid and discharged. If there shall be any balance of the said moneys so received by the said Special Commissioners after paying the floating debt aforesaid, such balances shall be paid by the said Commissioners to the County Treasurer to be applied by him as hereinafter provided. Before entering upon the duties imposed upon them by this act the said Special Commissioners shall enter into bond to the State of Delaware in the penal sum of eighteen thousand dollars conditioned for the faithful performance of the duties imposed upon them by this Act, said bond to be approved by one of the Judges of the Superior Court of the State of Delaware, and upon its approval to be filed with the County Treasurer. As compensation for their services each Special Commissioner shall receive the sum of seventy-five dollars, to be paid by the Commissions of Roads of said Hundred upon the completion of the duties required of them by this Act.
How applied.	
Balance, how applied.	
Bond of Commissioners. Amount.	
Compensation.	
Principal and interest, how paid.	Section 4. The principal and interest of said bonds shall be paid by the County Treasurer and Receiver of Taxes of New Castle County out of the road taxes raised in said Brandywine Hundred from year to year, and the Collector of Taxes for Brandywine Hundred shall pay annually to the County Treasurer and Receiver of Taxes out of the road taxes collected by him the amounts necessary to pay off each of said bonds as the same becomes due and payable, with interest, together with the unpaid and accrued interest on the bonds remaining in force and unpaid.

Approved March 31, A. D. 1903.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER 339.

OF THE SCHOOL FUND.

AN ACT TO AMEND SECTION 2, OF CHAPTER 112, OF VOLUME 22 OF THE LAWS OF DELAWARE, ENTITLED "AN ACT PRESCRIBING THE METHOD OF APPORTIONING THE PUBLIC SCHOOL FUND AMONG THE SCHOOL DISTRICTS OF THIS STATE," BY INCREASING THE APPROPRIATION FOR GENERAL SCHOOL PURPOSES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 2 of said Act be and the same is hereby amended by striking out the word "twenty" after the word "and" and before the word "thousand" in the fifth line of said section and insert in lieu thereof the word "thirty-two."

Section 2. That Section 2 of said Act be and the same is hereby further amended by striking out the word "ten" after the word "and" and before the word "teachers," in the thirty-sixth line of said section and inserting in lieu thereof the word "sixty-five."

Approved March 17, A. D. 1903.

OF FREE SCHOOLS.

CHAPTER 340.

OF FREE SCHOOLS.

AN ACT AUTHORIZING CERTIFICATES TO TEACH IN THE FREE SCHOOLS WITHOUT EXAMINATION, IN CERTAIN CASES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

County Superintendents to give certificate to teach to any person holding diploma from Normal School or College.

Section 1. That from and after the adoption of this Act it shall be lawful for any County Superintendent of Free Schools in this State, in his discretion, to give to any person holding a diploma or certificate of graduation from any respectable normal school or college, a certificate to teach in any of the free schools of the county in which such superintendent holds office, without requiring such person to take any examination.

Good for one year.

Such certificate shall be good for one year from its date, and no longer.

Certificate given to the same person only once.

Section 2. No such certificate to teach without examination shall ever be given to the same person more than once except by and through the authority of the State Board of Education of this State.

Section 3. That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved February 17, A. D. 1903.

OF FREE SCHOOLS.

CHAPTER 34I.

OF FREE SCHOOLS.

AN ACT TO ENCOURAGE THE EDUCATION AT NORMAL SCHOOLS
OF CERTAIN PERSONS INTENDING TO TEACH IN THE PUBLIC
SCHOOLS.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Section 1. That each of the County School Commissions of this State be, and it is hereby authorized and empowered to expend yearly a sum not exceeding in any one year the sum of one thousand dollars, for the purpose of helping to defray the expenses of the education at normal schools of certain persons intending to teach in the public schools of this State.

County School
Commissions
to expend mon-
ey for Normal
School pupils.

Section 2. To carry out the object of this Act, each of said commissions shall have the right in each year to select any person or persons then being residents of the county over which such commission has jurisdiction, as shall be approved by the Superintendent of Public Schools of said county.

Commissions
to select pupils
in respective
counties.

Every such person so selected shall enter into an obligation, the nature, terms and condition of which shall, in each case, be fixed by said commission, provided that a part of its condition shall be, in substance, that such person shall attend such normal school as said commission shall designate, and for such time as it shall determine, and that after such person shall, with the consent of said commission, cease to attend said normal school, that he or she shall teach in the public schools of said county for such time as the commission shall, in each case, appoint, if said commission shall arrange with the proper authorities to offer such person an engagement as teacher in said public schools.

Pupils selected,
to enter into an
obligation as to
time of course
in Normal
School and time
of teaching in
public schools.

The said obligation shall be taken in the name of The State of Delaware, and shall be for such sum, and with or without surety, and with or without warrant of attorney for the confession of judgment, as said commission shall, in each case, determine.

Form and
character of
obligation.

OF FREE SCHOOLS.

Attorney General to collect penalty named, if obligation is not complied with.

The Attorney General is hereby authorized and required, upon a certificate of such commission that there has been a breach of any of the conditions of any such obligation, to proceed to collect the penalty therein named, and after collection, to pay over the amount so collected to the State Treasurer for the use of the State.

Money to be paid by Commissions.

Amount not to exceed two dollars per week.

Section 3. After any such person selected as aforesaid shall have given the obligation as provided in Section 2 of this Act, said commission is hereby authorized and empowered to pay such sum or sums to aid in defraying the expenses of the education of such person at a normal school as aforesaid, as said commission shall deem proper; provided that said commission shall not in any one year pay, in the aggregate, for any one person for the purpose aforesaid, more than a sum equal to two dollars a week for each week spent in actual attendance at a normal school as aforesaid by such person.

Money appropriated to be paid County School Commissions by State Treasurer.

Section 4. The money necessary to carry into effect the provisions of this Act shall be paid to the several County School Commissions by the State Treasurer, at such time or times and in such sum or sums in each year, as the said commission shall, under the hands of its president and secretary, draw orders for on said State Treasurer.

Approved March 26, A. D. 1903.

CHAPTER 342.

OF FREE SCHOOLS.

AN ACT FOR THE IMPROVEMENT OF THE SCHOOL HOUSES FOR COLORED CHILDREN IN THIS STATE, AND MAKING AN APPROPRIATION THEREFOR.

Preamble.

Whereas, Many of the buildings now used by the colored people for school houses are unfit and inadequate for the purpose; and

Preamble.

Whereas, The financial condition of the colored people is such that they cannot afford to build school houses through tax-

OF FREE SCHOOLS.

ation, solely as provided in the general school laws of the State; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of six thousand dollars annually ^{Appropriation.} for two years is hereby appropriated from the State Treasury for the purpose of repairing, enlarging and building school houses for the colored children of this State, said amount to be equally divided amongst the three counties of the State and to ^{How divided.} be under the control and direction of the County School Commission for each county.

Section 2. Each County School Commission shall decide, ^{County School Commission shall have control.} after conference with the school committees of the respective districts, upon the location of the school, or the nature and extent of repairs or enlargement that may be necessary, and before the commencement of the work shall determine the amount that is to be appropriated to the particular district.

Section 3. That the amount herein appropriated shall be ^{How paid.} paid by the State Treasurer on orders drawn by the president of the respective County School Commissions, attested by the Secretary of the Commission.

Approved March 16, A. D. 1903.

CHAPTER 343.

OF FREE SCHOOLS.

AN ACT FOR THE RELIEF OF UNITED SCHOOL DISTRICTS NUMBERS 23 AND 75 AND ALSO 110 IN NEW CASTLE COUNTY.

Whereas, United School Districts Numbers 23 and 75 and ^{Preamble.} also 110 in New Castle County employed an additional teacher for the school year 1902;

And Whereas, It is provided by the Act of Assembly ap- ^{Preamble.}

OF FREE SCHOOLS.

proved March 16, A. D. 1901, that any School District to enable it to receive an appropriation for an additional teacher from the School Fund shall, on or before the twentieth day of August, file with the trustee of the School Fund a certificate of the County School Commissioners of the County in which such District is situated, that an additional teacher or teachers are needed in such district and that such district is provided with suitable room or rooms for such teacher or teachers and has levied and assessed an additional tax in said district of, if a white school, one hundred dollars, for every such additional teacher so desired and intended to be employed for the next school year;

Preamble.

And Whereas, United School Districts Numbers 23 and 75 and also 110 in New Castle did, during the school year of 1902, employ an additional teacher at a salary of \$232.25 and has complied with the requirements of the aforesaid statute except that through oversight or accident the said United Districts failed to certify to the trustee of the School Fund the name of said additional teacher as required by law, by which it has been prevented from receiving the appropriation to which it is entitled; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State Treasurer
to reimburse
United School
Districts Nos.
23, 75 and 110 in
New Castle
County for
additional
teacher.

Section 1. That the State Treasurer is hereby authorized and directed to draw his check to the order of the School Commissioners of United School Districts Numbers 23 and 75 and also 110 in New Castle County, for the sum of two hundred and thirty-two and one-fourth dollars, to reimburse the said districts for the salary paid said additional teacher, the said sum being the amount due the said United Districts under the General School Laws of this State.

Approved March 31, A. D. 1903.

OF FREE SCHOOLS.

CHAPTER 344.

OF FREE SCHOOLS.

AN ACT CHANGING THE HOUR OF THE DAY FOR HOLDING THE SCHOOL ELECTION IN UNITED DISTRICTS NOS. 77, 99 AND 99½ IN NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act the regular school election in United School Districts Nos. 77, 99 and 99½ in New Castle County in this State shall be held on the first Saturday in June in each year at 4 o'clock in the afternoon.

Time of holding School Election in United School Districts Nos. 77, 99 and 99½ in New Castle County.

Approved March 24, A. D. 1903.

CHAPTER 345.

OF FREE SCHOOLS.

AN ACT AUTHORIZING THE COMMISSIONERS OF SCHOOL DISTRICT NO. 66, NEW CASTLE COUNTY TO BORROW MONEY TO BUILD A NEW SCHOOL HOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the School Commissioners of School District No. 66, New Castle County, or their successors in office, be and they are hereby authorized, directed and empowered to borrow upon such terms and conditions as in their discretion they may think best, the sum of four hundred dollars for the purpose

School Commissioners of District No. 66, New Castle County, to borrow money. Amount.

OF FREE SCHOOLS.

Purpose. of erecting a new school house for said district and to secure the
How paid. payment of the same with interest in annual instalments of one hundred each.

Additional tax to be levied. Section 2. That the said Commissioners and their successors in office are hereby authorized and directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payments and pay the same according to the conditions upon which the said sum of four hundred dollars was borrowed, the same to be levied as other school money is levied in said district.

When.

How.

Dispose of old school house and apply proceeds to building fund. Section 3. That the said Commissioners are authorized to dispose of the old school house in said district to the best advantage in their judgment and apply the proceeds to the building fund.

Money in hand, how applied. Section 4. That the said Commissioners may apply whatever money is now in hand or may accumulate above what is necessary to meet current expenses of the school to the building fund.

Expenditure of money borrowed. Section 5. That the money borrowed under the authority of Section 1 of this Act shall be expended by the authority and under the supervision of the commissioners of the said district, who shall present their accounts together with their vouchers to the voters of said district at the annual meeting of said voters for settlement.

Approved March 5, A. D. 1903.

OF FREE SCHOOLS.

CHAPTER 346.

OF FREE SCHOOLS.

AN ACT AUTHORIZING THE COMMISSIONERS OF THE KENTON PUBLIC SCHOOL TO RAISE AN ADDITIONAL SUM OF MONEY BY TAXATION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch concurring therein:)

Section 1. That the Commissioners of the Kenton Public School be and they are hereby authorized and empowered to raise by taxation at the annual school meeting to be held in the year A. D. 1903, in addition to the amount now authorized to be raised by law, a sum of money not exceeding one hundred and seventy-five dollars.

Commissioners of Kenton Public School to raise by taxation an additional sum of money.
Amount.

Section 2. That the aforesaid sum of one hundred and seventy-five dollars, or so much thereof as may be necessary, shall be used in perfecting and making valid the title to the lands, tenements and hereditaments now used and occupied by the aforesaid Kenton Public School for general school purposes.

How expended.

Approved February 26, A. D. 1903.

OF FREE SCHOOLS.

CHAPTER 347.

OF FREE SCHOOLS.

AN ACT TO AMEND SECTION 1 OF THE ACT ENTITLED "AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF UNITED SCHOOL DISTRICTS NOS. 113 AND 113½ TO BORROW MONEY TO REPAIR, REBUILD, ENLARGE OR REMODEL THEIR SCHOOL HOUSE, OR OTHERWISE PROVIDE FOR A BETTER AND MORE SUITABLE SITE OR MORE COMMODIOUS SCHOOL FACILITIES IN AND FOR SAID DISTRICT," APPROVED MARCH 23, A. D. 1901, BEING CHAPTER 129, VOLUME 22, LAWS OF DELAWARE, BY STRIKING OUT CERTAIN WORDS OF SAID SECTION 1, AND INSERTING IN LIEU THEREOF OTHER WORDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 1 of the Act entitled "An Act to authorize and empower the Commissioners of United School Districts Nos. 113 and 113½ to borrow money to repair, rebuild, enlarge or remodel their school house, or otherwise provide for a better and more suitable site or more commodious school facilities in and for said District," approved March 23, A. D. 1901, being Chapter 129, Volume 22, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 1 after the word "in" in line 22 thereof and inserting in lieu thereof the following words, viz.: "eight equal annual installments."

Loan, how
payable.

Approved March 31, A. D. 1903. .

OF FREE SCHOOLS.

CHAPTER 348.

OF FREE SCHOOLS.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF THE
DOVER PUBLIC SCHOOLS TO ISSUE BONDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each branch of the Legislature concurring therein):

Section 1. That it shall and may be lawful for the Board of Education of the Dover Public Schools to issue bonds not exceeding in the aggregate six thousand dollars (\$6000.00) for the purpose of raising the necessary funds to build an addition to its school building and for installing a complete system of heating for its said building, which said bonds may be in such denomination, at such rate of interest and payable at such time or times as the said The Board of Education of the Dover Public Schools shall determine. The said bonds shall be signed by the president of the said The Board of Education of the Dover Public Schools, be sealed with its corporate seal, and be attested by its secretary.

Board of Education of Dover Public Schools to issue bonds.

Rate of interest and how payable.

How signed.

Approved March 24, A. D. 1903.

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CHAPTER 349.

OF FREE SCHOOLS.

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF THE PUBLIC SCHOOLS OF MILFORD TO PROVIDE A NEW SCHOOL BUILDING, AND TO BORROW MONEY TO PAY FOR THE SAME.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each House):

Section 1. That, in order the more effectually to carry into execution the provisions of Section 8 of Chapter 224 of Volume 21 of the Laws of Delaware relative to a new school building or buildings for the United School District known as "The Public Schools of Milford," The Board of Education of the Public Schools of Milford be, and the same is hereby authorized and empowered to borrow such sum or sums in addition to the sum stipulated in said Section 8 of Chapter 224 of Volume 21 of the Laws of Delaware, as said Board of Education shall deem necessary and proper to provide a new school building or buildings for said School District; provided that such additional sum or sums hereby authorized to be borrowed shall not, in the aggregate, exceed the sum of seven thousand dollars.

"The Public Schools of Milford" empowered to borrow additional money.

Not to exceed \$7000.

To issue additional bonds.

Faith of School District pledged.

Form &c., of bonds to be prescribed by Board of Education.

Section 2. That, in order to carry into effect the provisions of Section 1 of this Act, the said Board of Education is hereby authorized and empowered to issue bonds to an amount not exceeding in the aggregate, the sum of seven thousand dollars, in addition to the bonds authorized by Section 8 of Chapter 224 of Volume 21 of the Laws of Delaware as aforesaid; and to pledge the faith and credit of the aforesaid School District for the payment of the same.

Section 3. The form, terms, date, condition and amount of said bonds shall be prescribed by said Board of Education, subject to the proviso aforesaid; shall bear interest at any rate, not

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exceeding six per centum per annum, shall be payable at such ^{Interest.} time or times and in such manner as said Board shall determine, ^{Payable.} and shall be under the hand of the president of said Board, and sealed with its corporate seal, and be attested by its secretary. ^{How signed and sealed.}

It shall be lawful also for the said Board of Education to ^{May also execute mortgage.} execute a mortgage or mortgages upon any real estate which may be owned by the School District aforesaid, the better to secure the payment of the bond or bonds authorized by this Act; which said mortgage or mortgages shall be under the hand of the president of said Board, be sealed with its corporate seal, and be attested by its secretary.

Section 4. That the Board of Education aforesaid be and the same is hereby authorized, empowered and required to levy ^{May levy additional tax for sinking fund, and for interest.} and raise by taxation in each year after the issuance of the bonds aforesaid, such sum as the said Board shall deem proper to constitute a sinking fund for the redemption at or before maturity of any bond authorized by this Act and also of any bond authorized by the aforesaid Section 8 of Chapter 224 of Volume 21 of the Laws of Delaware; and the said Board is further authorized, empowered and required to levy and raise by taxation in each year as aforesaid, a sum sufficient to pay the interest on all bonds authorized by this Act, and also those authorized by the aforesaid Section 8 of Chapter 224 of Volume 21 of the Laws of Delaware. The sums hereby authorized to be levied and raised by taxation for a sinking fund and for interest shall be levied and raised as taxes for current school expenses are levied and raised in said School District, and shall be in excess of and addition to any sum or sums authorized by law to be levied and raised by the aforesaid Board for any other purpose.

Section 5. That before any bond authorized by this Act shall be issued by the aforesaid Board, a special election shall be called by said Board, and if a majority of the votes cast thereat ^{Issuance of bonds to be voted upon by taxables.} legally shall be in favor of the issuance of bonds authorized by this Act, then said Board may issue the same; but otherwise, it shall not do so; provided that if a majority of the votes cast at such special election shall not be in favor of the issuance of said bonds, the said Board may, when petitioned so to do by at least twenty resident taxables of said School District, hold another special election for the same purpose, and so from time to time when petitioned so to as aforesaid; provided that at least ^{May hold another special election.}

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Notice.

six months shall intervene between the holding of any two special elections for said purpose; at any such special election, all persons having a right to vote at the regular school election in said district next preceding said special election, shall be a qualified voter. Due notice of the time and place of any such special election shall be given by the said Board by notices posted in at least five public places in said district at least ten days before the holding of such special election.

Approved March 31, A. D. 1903.

CHAPTER 350.

OF FREE SCHOOLS.

AN ACT AUTHORIZING PUPILS IN "SCHOOL DISTRICT NO. 115 IN KENT COUNTY" TO ATTEND A SCHOOL OUTSIDE THE DISTRICT UNDER CERTAIN CONDITIONS.

Preamble.

Whereas, The village of Marydel lies partly in the State of Delaware, and partly in the State of Maryland;

Preamble.

And Whereas, "School District No. 115 in Kent County," embraces that part of the said village lying in the State of Delaware, and the school house of said district is situated in the said part of the aforesaid village;

Preamble.

And Whereas, In the part of the aforesaid village lying in the State of Maryland, there is another school building for the accommodation of certain of the school children resident in the State last aforesaid, which said school building is sufficiently large to accommodate not only such children, but also all those resident in "School District No. 115 in Kent County" aforesaid;

Preamble.

And Whereas, It is believed that, if authorized by law, the School Committee of said "School District No. 115 in Kent County," and the authorities having jurisdiction and control over the aforesaid school building in the State of Maryland, might make arrangements for the co-education of the aforesaid children resident in the State of Maryland and the aforesaid children resident in "School District No. 115 in Kent County," by which

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both classes of said children would receive the benefit of graded schools; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the School Committee of "School District No. 115 in Kent County," Delaware, be and the same is hereby authorized and empowered to make and enter into any and all arrangements, obligations or contracts, which said committee may deem proper, with the proper authorities having jurisdiction and control over the school building situated in that part of the village of Marydel lying in the State of Maryland, to secure the right and privilege to all the children of school age in said district in Delaware to attend school held in the aforesaid school building in Maryland, and to be instructed by the teachers employed in said schools, in conjunction with pupils attending said schools resident in Maryland; said arrangement, obligation or contract to include the right to said committee of said district in Delaware to employ to teach in said schools a teacher or teachers holding the proper certificate from the then Superintendent of Free Schools for Kent County, Delaware. The said arrangement, obligation or contract to be and continue for such time, and to be upon such consideration as the aforesaid committee shall deem proper; and the said arrangement, obligation, or contract may, from time to time, and at any time, be renewed, continued, altered, or a new arrangement, obligation or contract to attain the same object, may be substituted by the aforesaid committee, or its successors. After the making of any such arrangement, obligation or contract, the committee of the said district, in Delaware, shall have the right to close the school house of said district situated in the State of Delaware, for such time as said committee shall deem proper.

School Committee empowered to make contracts with School Commissioners of Maryland District in town of Marydel for attendance of pupils in schools.

Section 2. That the exercise of any of the powers contained in Section 1 of this Act shall in no wise or manner affect, alter or impair any of the other rights, privileges and powers of said "School District No. 115 in Kent County," Delaware, nor any of the School Committees of said district; but the right to levy and raise taxes, to secure text books, to receive dividends from the School Fund of the State of Delaware, and all other rights whatsoever shall belong to said district and any of its School Committees after the making of any arrangement, obli-

Exercise of powers not to impair rights under School Laws of this State.

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gation or contract as aforesaid, and the closing of the school house in Delaware as aforesaid, exactly as though school was and continued to be kept open in said district for the number of days required by law for school to be kept open; provided that in the apportionment of the School Fund of this State in any year thereafter, the Trustee of the School Fund shall treat said "School District No. 115 in Kent County" as employing one teacher, and shall place to the credit of said district a sum equal to that which he shall in the same year place to the credit of other school districts in Kent County which employ one teacher.

Approved March 31, A. D. 1903.

CHAPTER 351.

OF FREE SCHOOLS.

AN ACT AUTHORIZING THE COMMISSIONERS OF COLORED SCHOOL DISTRICTS NOS. 163 IN KENT COUNTY AND 192 IN SUSSEX COUNTY TO BORROW MONEY TO PAY FOR THE FURNISHING AND REPAIRING OF THEIR SCHOOL HOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School Commissioners of Colored School Districts Nos. 163 in Kent County and 192 in Sussex County authorized to borrow money.

Section 1. That the School Commissioners of Colored School Districts Nos. 163 in Kent County and 192 in Sussex County, or their successors in office, be and they are hereby authorized, directed and empowered to borrow a sum of money not to exceed the sum of six hundred dollars for the purpose of furnishing and repairing their school house.

May issue bonds.
Interest.
Payable.

Section 2. That for the purpose of securing the payment of the money borrowed, the said Commissioners shall have power to issue a bond or bonds bearing interest not to exceed six per centum per annum, payable semi-annually on the first day of April and the first day of October in each and every year.

Section 3. That the said Commissioners are hereby au-

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thorized, directed and required to levy and collect yearly a tax in addition to that required to be laid for general school purposes that shall not be less than fifty dollars per annum, to be applied on the principal and interest of the money borrowed under the authority of Section 1 of this Act.

To collect additional tax to liquidate bonds.

Section 4. The faith and credit of the said School Districts are hereby expressly authorized to be pledged for the payment of said debt and interest.

Faith of the districts pledged as security.

Approved March 31, A. D. 1903.

CHAPTER 352.

OF FREE SCHOOLS.

AN ACT TO AMEND CHAPTER 533, OF VOLUME 18, LAWS OF DELAWARE, ENTITLED "AN ACT DIVIDING SCHOOL DISTRICTS NOS. 97 AND 135 IN SUSSEX COUNTY INTO FOUR SCHOOL DISTRICTS, &C.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Section 1. That Chapter 533, Volume 18, of the Laws of Delaware, be and the same is hereby amended by striking out the words "may be filled for the residue of the school year in which it happens by the other members of the Board," in lines 15 and 16 of Section 5 of the Act, and insert in lieu thereof after the word "ever" at the beginning of line 15 of said section the words "shall be filled by a special election called for that purpose, within twenty days after such vacancy occurs, and notice of the same shall be given in the same manner as herein provided for the holding of the regular election." Also amend the Act by inserting after the word "board" in line 16 of Section 5, the words "No person shall be elected a member of the Board of Public Education who is not a freeholder of said consolidated districts, or whose wife is not a freeholder therein."

Vacancies to be filled by special election.

Qualification of members.

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Qualification
of voters.

Section 2. Further amend the Act by inserting after the word "That" at the beginning of the first line of Section 6, of the Act, the words "no person shall have a right to vote at any school election in said consolidated districts who has not resided in the same for the period of one year prior to such election, and who is not a registered voter of Sussex County, and the Board of Public Education shall on or before the day of such election cause to be made out and exhibited for public inspection a list, accompanied with the affidavit of the Collector of School Taxes, of all the qualified voters in said consolidated districts."

Approved March 18, A. D. 1903.

CHAPTER 353.

OF FREE SCHOOLS.

AN ACT AUTHORIZING THE BOARD OF PUBLIC EDUCATION FOR THE TOWN OF LEWES TO BORROW MONEY AND ISSUE BONDS TO SECURE THE PAYMENT THEREOF, FOR THE PURPOSE OF MAKING ADDITIONS TO AND IMPROVEMENTS IN THE SCHOOL HOUSE IN CONSOLIDATED SCHOOL DISTRICTS NOS. 14, 15, 110 AND 112, IN SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch concurring therein):

Board of Educa-
tion of Lewes
to borrow
money.

Amount.

Purpose.

Section 1. That the Board of Public Education for the Town of Lewes be and is hereby authorized and empowered to borrow on the credit of the consolidated School Districts Nos. 14, 15, 110 and 112, in Sussex County, a sum of money not exceeding five thousand dollars (\$5000.00), which shall be applied, appropriated and expended for the purpose of building an addition to the school house in said consolidated districts, repairing or remodeling, heating and lighting the same, and furnishing said school house with such sanitary and other improvements as to the said Board of Public Education may seem proper. That

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the said The Board of Public Education for the Town of Lewes, for the purpose of carrying into effect the provisions of this Act, shall have power and authority to issue bonds of the denomination of one hundred dollars each, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually on the first days of July and January, respectively, in each year at such bank or trust company as the said Board shall designate. The principal of such bonds shall be made payable in fifteen years from the date of the issue thereof, the said The Board of Public Education for the Town of Lewes reserving the power and authority of redeeming said bonds or any part of them, at or after the expiration of five years from the date of the issue of the same; provided, however, that if the said Board elect to redeem any of said bonds at the expiration of five years, as aforesaid, such election shall be effected on the first days of July or January, and in pursuance of a notice to that effect published by the said Board in at least four issues of two newspapers, one published in the City of Wilmington and one in Sussex County. In calling said bonds for redemption and payment, they shall be called consecutively, commencing with the lowest number; the interest on all said bonds so called shall cease from the redemption thereof and said bonds, when paid, shall be cancelled. If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the said Board may, if it deem it expedient, redeem and pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

Issue bonds.
Denomination.
Rate of interest.
When payable.

Principal.
When payable.

Redemption.

Method of
calling bonds
for payment.

Cancellation.

Section 2. That the said The Board of Public Education for the Town of Lewes shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the president of said Board and countersigned by its secretary, and shall be sealed with the corporate seal of said Board and shall be exempt from all State, County and Municipal taxation. As the said bonds and coupons thereon are paid, the same shall be cancelled in such manner as the said Board shall direct; and the said Board shall negotiate the sale and delivery of said bonds, and the moneys, the proceeds of the sale of said bonds, shall be deposited with the treasurer of said Board, to be used for the purpose of carrying into effect the provisions of this Act. The

Board to prepare and print bonds.

How signed.

Exempt from taxation.

Cancellation.

Proceeds of sale, how applied.

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Treasurer to give additional bond. said treasurer shall give additional bond, with such surety and for such sum as the said Board may determine and approve.

Board to levy additional tax to pay interest.

To levy a further additional tax for a sinking fund.

Exception.

How collected.

Section 3. That the said Board of Public Education for the Town of Lewes is hereby authorized, empowered and required to levy and collect annually an additional tax, at the same time that the taxes are levied for other school purposes in said consolidated districts, which shall be sufficient to pay the annual interest on said bonds. The said Board is further authorized and empowered, at its discretion, to levy a further additional tax for the purpose of establishing a sinking fund adequate to the redemption, at or before maturity as prescribed in this Act, of all the bonds which may be issued under the provisions of this Act; provided that the amount to be raised for the purpose of said sinking fund shall not exceed the sum of five hundred dollars in any one year. The additional taxes provided for in this section shall be collected in the same manner as the other taxes levied by the said Board and shall be levied on the regular annual assessment. The sinking fund provided for by this Act shall be deposited in a bank or trust company in Sussex County, or may be invested by the said The Board of Public Education for the Town of Lewes until such time as it may be needed for the redemption of the bonds, on such security as the said Board may approve.

Shall be submitted to the school voters.

When called.

How called.

Special elections.

Section 4. That before the provisions of this Act shall go into effect the borrowing of a sum of money not exceeding five thousand dollars (\$5000.00) as aforesaid, shall be submitted to and approved by a majority of the votes of the qualified school voters of the said consolidated districts, cast at a special election which the said The Board of Public Education for the Town of Lewes is hereby authorized to call within thirty days after the approval of this Act by the Governor. The said election shall be called by the said Board and shall be held and certified to in the same manner as the election of the members of said Board. If the borrowing of the said sum of money shall not be approved by a majority of said votes at said special election, the said Board is authorized to call another special election not less than ninety days or more than four months thereafter, to be held in like manner and for the same purpose. If at the second special election the borrowing of the said sum of money shall not be approved by a majority of said votes, then the said

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Board is authorized to submit the question to the qualified voters at the annual election for members of the Board in 1904.

Section 5. That the faith of the said consolidated school districts Nos. 14, 15, 110 and 112 is hereby pledged for the payment of the bonds authorized to be issued under this Act. Faith of Districts pledged for payment of bonds.

Approved March 31, A. D. 1903.

CHAPTER 354

OF FREE SCHOOLS.

AN ACT TO AMEND CHAPTER 53 OF VOLUME 15 OF THE LAWS OF DELAWARE, ENTITLED "AN ACT TO ESTABLISH A BOARD OF EDUCATION FOR THE TOWN OF LEWES AND TO INCORPORATE THE SAME, AND FOR OTHER PURPOSES," (AS EXTENDED AND CONTINUED BY CHAPTER 24 OF VOLUME 20 OF THE LAWS OF DELAWARE) BY INCREASING THE AMOUNT AUTHORIZED TO BE RAISED BY TAXATION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch concurring therein):

Section 1. That Section 7 of Chapter 53 of Volume 15 of the Laws of Delaware, entitled "An Act to establish a Board of Education for the Town of Lewes, and to incorporate the same, and for other purposes" (as extended and continued by Chapter 24 of Volume 20 of the Laws of Delaware) be and the same is hereby amended by striking out the words "twenty-five hundred," in the fifth line of said Section 7, and inserting in lieu thereof the words "three thousand." Increased amount authorized to be raised by taxation.

Approved March 31, A. D. 1903.

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CHAPTER 355.

OF FREE SCHOOLS.

AN ACT AUTHORIZING THE COMMISSIONERS OF SCHOOL DISTRICTS NOS. 24 AND 159 OF SUSSEX COUNTY TO BORROW MONEY TO REPAIR, REBUILD, ENLARGE OR REMODEL THEIR SCHOOL HOUSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School Com-
missioners of
School Districts
Nos. 24 and 159
in Sussex
County to
borrow money.
Amount.
Purpose.
Payable.

Section 1. That the School Commissioners of School Districts Nos. 24 and 159 in Sussex County or their successors in office, be and they are hereby authorized, directed and empowered to borrow upon such terms and conditions as in their discretion they may think best the sum of One thousand dollars for the purpose of repairing, rebuilding, enlarging or remodeling their School House for said district, and to secure the payment of the same with interest in annual instalments of One hundred dollars each.

Additional tax
to be levied.

When.

How.

Section 2. That the said Commissioners and their successors in office are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payment and pay the same according to the condition upon which the said sum of One thousand dollars was borrowed, the same to be levied as other school money is levied in said districts.

Money in hand,
how applied.

Section 3. That the said Commissioners may apply whatever money is now in hand, or may accumulate above what is necessary to meet the current expenses of the school to the building fund.

Expenditure
of money bor-
rowed.

Section 4. That the money borrowed under the authority of Section 1 of this Act shall be expended by the authority and under the supervision of the Commissioners of the said district, who shall present their accounts, together with their vouchers,

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to the school voters of said district at the annual meeting of said voters for settlement.

Approved March 31, A. D. 1903.

CHAPTER 356.

OF FREE SCHOOLS.

AN ACT TO AUTHORIZE AND EMPOWER THE SCHOOL COMMISSIONERS OF SCHOOL DISTRICT No. 88 IN SUSSEX COUNTY TO ERECT AND CONSTRUCT A NEW SCHOOL BUILDING AND TO ISSUE BONDS TO AN AMOUNT NOT EXCEEDING EIGHT HUNDRED DOLLARS TO PAY THE EXPENSES OF ERECTING AND CONSTRUCTING SUCH BUILDING, AND FURNISHING THE SAME.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the School Commissioners of School District No. 88, in Sussex County, and their successors in office, ~~be~~ **and they are** hereby authorized and empowered as soon as conveniently can be done after the passage of this Act, to erect and construct a new school building to be used by said School District No. 88, Sussex County, for general school purposes. School Commissioners of District No. 88 in Sussex County authorized to erect new school building.

Section 2. That the School Commissioners aforesaid, or a majority thereof, be and they are hereby authorized and empowered for the purpose of raising sufficient moneys to defray and pay the expenses necessarily incident to the erection and construction of such school building and furnishing the same. to make, execute and issue sixteen bonds each of the denomination of fifty dollars, bearing interest at a rate not exceeding five per centum per annum, redeemable and payable as follows, to wit: To borrow money for expenses thereof. one bond at the expiration of one year from the date thereof; To issue bonds. another bond at the expiration of two years from the date thereof; Interest. another bond at the expiration of three years from the date When redeemable

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thereof; another bond at the expiration of four years from the day thereof; another bond at the expiration of five years from the date thereof; another bond at the expiration of six years from the date thereof; another bond at the expiration of seven years from the date thereof; another bond at the expiration of eight years from the date thereof; another bond at the expiration of nine years from the date thereof; another bond at the expiration of ten years from the date thereof; another bond at the expiration of eleven years from the date thereof; another bond at the expiration of twelve years from the date thereof; another bond at the expiration of thirteen years from the date thereof; another bond at the expiration of fourteen years from the date thereof; another bond at the expiration of fifteen years from the date thereof; another bond at the expiration of sixteen years from the date thereof.

May redeem
one or more
bonds at option,
but not to ex-
ceed two.

Number of
bonds.

Form.

Signed.

Faith of School
District pledged
for payment of
bonds.

Provided, however, that the School Commissioners aforesaid shall have the right and privilege, when the first or any subsequent one of said bonds shall become due and payable, to pay off and redeem in addition to such bond then due and payable any other one of said bonds, with the interest due thereon. Provided not more than two of said bonds shall be redeemed in any one year. The said bonds shall be numbered from one to sixteen inclusive and shall be in such form or forms as the aforesaid School Commissioners shall see fit and proper to adopt and use. The said bonds shall be signed by all of the Commissioners aforesaid. The faith of said School District No. 88, Sussex County, is hereby expressly and irrevocably pledged for the payment of the principal and interest of said bonds.

Additional tax,
for interest and
sinking fund,
and redemption
of bonds.

Section 3. That the School Commissioners aforesaid and their successors in office are hereby authorized and empowered and required to annually levy and collect an additional tax, in said School District No. 88, in Sussex County, and at the same time that the tax is levied and collected for general school purposes, which shall be sufficient to pay the interest on said bonds, and also to create and establish a sinking fund sufficient to redeem and pay off the said bonds as they shall respectively become due and payable, or in case the Commissioners aforesaid shall see fit and proper to exercise the right and privilege provided for in Section 2 of this Act, to redeem and pay off in addition to the bond then due and payable, one other of said bonds.

Section 4. That the Commissioners aforesaid are hereby

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authorized and directed to negotiate the sale of the bonds to be made, executed and issued in accordance with the provisions of this Act with the least possible delay after they have received the same. The said bonds shall not be sold for less than their par value. The Clerk of the aforesaid District shall procure a suitable book and before delivering the bonds shall register therein the name of each purchaser, together with the number of bonds purchased in regular numerical order.

Commissioners
authorized to
negotiate sale of
bonds.

Not less than
par value.

Bonds to be
registered.

Approved March 24, A. D. 1903.

CHAPTER 357.

OF FREE SCHOOLS.

AN ACT TO AUTHORIZE AND EMPOWER "THE BOARD OF COMMISSIONERS OF THE PUBLIC SCHOOLS OF GEORGETOWN, SUSSEX COUNTY," TO BORROW MONEY TO REPAIR, ENLARGE AND REMODEL ITS SCHOOL HOUSE, TO ISSUE BONDS TO SECURE THE SAME, TO REFUND THE OUTSTANDING BONDED INDEBTEDNESS AND TO LEVY A TAX TO PAY THE SAID BONDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That "The Board of Commissioners of the Public Schools of Georgetown, Sussex County," and their successors in office are hereby authorized and empowered to borrow, at its discretion, a sum of money not to exceed five thousand dollars, for the purpose of erecting and constructing a suitable annex or addition to the school building, fully to complete and furnish the same, in incorporated school districts number 67, 96, 106 and 107, Sussex County, for school purposes and establishing an adequate and modern heating plant therein and refunding the outstanding bonded indebtedness against said districts.

Board of Com-
missioners of
Public Schools
of Georgetown
to borrow
money.

Amount.

Purpose.

Section 2. That the said Board of Commissioners be and is hereby vested with full power and authority to issue and sell, for the purposes of carrying into effect the provisions of this Act, its bonds to an amount not exceeding the sum of five thousand dollars, of such denominations as may be determined

Commissioners
to issue bonds.

Amount.

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by said Board of Commissioners; and in such proportions of such denominations as may be determined by said Board of Commissioners; which said bonds shall be dated on the first day of June, A. D. 1903, and numbered consecutively, commencing with number one, and shall bear interest from and after that date at such rate as the said Board of Commissioners may determine, not to exceed six per centum per annum, payable annually on the first day of June in each and every year, while they remain unpaid, at the Farmers' Bank of the State of Delaware, at Georgetown, on presentation of the coupons representing said annual interest, each annual instalment of interest being represented by coupons attached to said bonds; the said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Georgetown, on the first day of June, A. D. (1918), one thousand nine hundred and eighteen, but may be redeemed, at the option of the said Board of Commissioners, at any time after the first day of June, A. D. one thousand nine hundred and eight; Provided, however, that no more of such bonds than shall amount, in the aggregate, at par value, to the sum of one thousand dollars shall be redeemed by said Board of Commissioners in any one year; And provided further, however, that if the said Board of Commissioners elects to redeem any of said bonds according to their tenor, such redemption shall be effected on the first day of June, and in pursuance of notice, signed by the President and Treasurer of the said Board of Commissioners, published in four consecutive issues of two newspapers published in Georgetown, Sussex County, such notice shall indicate the bonds called, and in making the calls the said Board of Commissioners shall call the bonds according to their numbers, beginning with the lowest number.

Section 3. That the said Board of Commissioners shall direct and effect the preparation, printing and sale of the bonds authorize by the Act, at such time or times, and on such terms and for such sums, not less than their par value, as they may deem expedient, but that all the money, the proceeds of such sale, shall be applied to carrying into effect the provisions of this Act; and the said bonds shall be signed by the President of said Board of Commissioners and Treasurer of said Board of Commissioners, shall be exempt from State, county and municipal taxation, and be denominated Georgetown School Bonds, and shall be in the following form:

Date.
Number.
Interest.
Payable.
Bonds payable, where and when.

Signed by President and Treasurer.

Call of bonds.

Preparation, printing and sale of bonds.

Not less than par value.

Exemption.

OF FREE SCHOOLS.

United States of America.

Form of bond.

State of Delaware,

United School Districts Nos. 76, 96, 106 and 107, of Georgetown, in the County of Sussex.

Number

Series

These presents certify and make known that "The Board of Commissioners of the Public Schools of Georgetown, Sussex County," is held and firmly bound unto the bearers in the sum of dollars, lawful money of the United States of America, which the said Board of Commissioners binds itself to pay to the bearer on the first day of June, A. D. one thousand nine hundred and eighteen, with interest at the rate of per centum per annum, payable at the Farmers' Bank of the State of Delaware, at Georgetown, on the first day of June in each and every year until the principal be paid, upon the presentation of the coupons hereto annexed representing such annual instalment of interest; provided, however, and it is expressly stipulated that the said Board of Commissioners reserves to itself the power, at its option, to call in and redeem this bond on the first day of June, A. D. one thousand nine hundred and eight, pursuant to the notice provided for by the Act of Assembly, in accordance with the provisions of which this bond is issued; And provided further, that when this bond shall be called in by notice aforesaid, interest thereon shall cease to accrue from and after the first day of June next succeeding the date of such notice.

Dated at Georgetown, this day of June, A. D. 1903.

Witness the seal of the said "The Board of Commissioners of the Public Schools of Georgetown, Sussex County," and the hands of the President and Treasurer of said Board.

President of Board.

Treasurer.

Corporation

Seal.

As the said interest coupons and the said bonds are paid the same shall be cancelled, in such manner as the said Board of Commissioners shall direct. The bonds issued and sold by the said Board of Commissioners, in accordance with the provisions of this Act, shall be a lien upon all the real property situated and lying in said united districts.

Cancellation of.

Bonds lien upon real property.

Section 4. That for the purpose of raising the funds nec-

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Board empowered to raise additional tax for redemption and interest.

essary for the redemption of said bonds, and for the payment of the interest thereon, the said Board of Commissioners is hereby further authorized, empowered and directed to assess, raise and collect annually, in the same manner as now provided by law for assessing, raising and collecting the school taxes in said united school districts, such further sums of money as shall in their judgment, be necessary and sufficient to meet the interest on said bonds as the same shall accrue, and to redeem the said bonds as the same shall be called in by the said Board of Commissioners, according to the provisions of this Act. The sums assessed, raised and collected under and by virtue of the provisions of this section to be in addition to such sums assessed, raised and collected by said Board of Commissioners for school purposes; provided, that the sums levied and assessed under and by virtue of this section shall not exceed the interest of the bonds then outstanding and the par value of the bonds called in for that year by more than twenty per centum of the aggregate amount of said interest and par value of said bonds.

Majority of taxables to approve.

Section 5. The provisions of this Act shall not be effective, unless approved by a majority of the taxables of the aforesaid Districts at the next regular election for School Commissioners therein.

Approved March 24, A. D. 1903.

OF FREE SCHOOLS.

CHAPTER 358.

OF FREE SCHOOLS.

AN ACT INCORPORATING THE SCHOOL COMMITTEE OF UNITED SCHOOL DISTRICTS NOS. 163 AND 163½ OF SUSSEX COUNTY, BY THE NAME OF "THE DELMAR PUBLIC SCHOOLS" AND AUTHORIZING SAID "THE DELMAR PUBLIC SCHOOLS" TO PROVIDE BETTER SCHOOL BUILDINGS, AND TO BORROW MONEY, ISSUE BONDS AND LEVY TAXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch thereof concurring therein):

Section 1. That the United School Districts Nos. 163 and 163½ of Sussex County shall be governed by a Board of Education to be chosen as hereinafter provided.

School Districts Nos. 163 and 163½ in Sussex County incorporated.

Section 2. That all the property, real and personal, and all moneys and debts due and deposited to the credit of the said United School Districts Nos. 163 and 163½ in Sussex County, are hereby declared to be the property, moneys and debts of the body corporate created by this Act.

All property of same vested in body corporate.

Section 3. That the Board of Education of the United School Districts created by this Act (to be selected and chosen as hereinafter provided) and their successors are hereby made a body politic and corporate by the name of "The Delmar Public Schools" and by that name shall have perpetual succession, may sue and be sued, implead and be impleaded in any court of law or equity in this State, may appoint a Collector of Taxes and require him to give bond, select teacher or teachers and all other officers and agents they may deem proper, and to make rules and regulations for conduct of same and for the pupils of said district, may raise by taxation without regard to vote a sum not exceeding six hundred dollars (\$600) in any one year; may draw the State dividends, and generally shall have all the rights and powers of

Name of corporation "The Delmar Public Schools."

Powers of.

Raise \$600 by taxation.

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ers, and be subject to all the penalties and liabilities prescribed by the general school law of this State concerning school committees of single districts.

Board of Education to consist of nine Commissioners.

Term of office.

Section 4. The said Board of Education shall be composed of nine Commissioners, three (3) of whom shall be voted for and elected at each annual school election and hold office for the term of three years.

Names of Commissioners.

Terms of Commissioners.

Vacancy in number named in this act.

That Jackson L. Ellis, Robert Ellegood, Sheppard J. Hitchens, Frazier G. Elliott, Levin Hastings, A. B. Francis, Willard O. Stevens, Joseph W. Beach and Samuel M. Ellis shall and they are hereby declared to be the first commissioners and shall continue to serve as such commissioners for the terms following, to wit: the said Jackson L. Ellis, Robert Ellegood and Sheppard J. Hitchens until the next annual school election in the year 1903; and the said Frazier G. Elliott, Levin Hastings and A. B. Frazier until the annual school election in the year 1904; and the said Willard O. Stevens, Joseph W. Beach and Samuel M. Ellis until the annual school election in the year 1905, and until their successor shall have been duly elected and qualified as hereinafter provided, with power to fill any vacancy or vacancies that may occur in their number by death, resignation, removal from the district, refusal to serve, or otherwise, and the person or persons so chosen to fill such vacancy or vacancies shall serve until the term of the person in whose place he is chosen would in accordance with this election expire.

Meetings.

Officers.

Special meetings.

Section 5. The said Board of Education shall hold a meeting annually on the Monday following the day of the last preceding school election and shall organize for the year, by electing a President, a Secretary and such other officers as they shall deem proper. The first stated meeting shall be within one week after this Act becomes a law at seven o'clock P. M. and at the school house, now being in said district. They shall hold monthly stated meetings and special meetings at the call of the President or a majority of the Board.

All newly elected members to be sworn before transaction of business.

Quorum.

Before transacting any business at any annual meeting, all the newly elected members present shall be sworn or affirmed to faithfully perform their duties as members of said Board. Any member may administer such oath or affirmation. A majority of the members shall constitute a quorum for the transaction of

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business, but a lesser number may adjourn until a quorum is secured. A vacancy may be filled by the Board at any of its meetings for the residue of the term. Absence of any member for three successive meetings of the Board without a sufficient excuse may at the option of said Board be declared a vacancy and filled as aforesaid. In case of a tie vote the presiding officer shall have an additional vote.

Section 6. All taxes due the district mentioned in Section 1 of this Act at the time the provisions of this Act shall go into effect may be collected by the Board of Education hereby created.

Section 7. The provisions of this Act shall go into effect immediately upon its approval by the Governor.

Section 8. That as soon as possible after this Act becomes a law, the said Board of Education shall select, acquire and purchase a suitable site of not less than one acre and not exceeding two acres of land for a location for a school house, taking title thereto in the corporate name of "The Delmar Public Schools."

Section 9. That in order to afford suitable facilities for the education of children in said districts the said Board of Education is hereby authorized, empowered and directed to erect buildings necessary for school purposes on the site which may be so acquired or purchased. The said school building when completed shall contain at least five school rooms together with suitable halls, cloak rooms, etc., of suitable size, properly furnished, heated and ventilated. The said Board is also authorized to sell and dispose of at either public or private sale any and all personal or real property, such as school buildings, school furniture, etc., as it may possess to the best possible advantage and the proceeds arising therefrom appropriated towards the cost of erecting and furnishing such new school house.

Section 10. That in order to carry out the provisions of this Act the said Board of Education shall have full power and authority to issue bonds to an amount not exceeding four thousand dollars, bearing interest at a rate not exceeding six per centum per annum. Said bonds shall be of the denomination of one hundred dollars each and shall be numbered consecutively from one to forty, inclusive. Said bonds shall be payable and redeemable as follows, viz.: Two of said bonds being lowest in number shall become due and payable at the end of one year from the date

Vacancies.

Taxes.

To take effect when approved by Governor.

Board to secure site for school house.

Title in name of "The Delmar Public Schools."

To erect necessary buildings thereon.

Board to sell all old school property real and personal or refund proceeds for purposes of this act.

Board of Education may issue bonds.

Rate of interest.

Denomination.

Payable.

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Preference in
payment.

thereof and two other of said bonds lower in number, of the remaining bonds, shall become due and payable at the end of two years from their date, and so on in that manner until all of said bonds are redeemed. Provided that said Board of Education may on any of the dates at which any of said bonds may become due and payable, pay all or any of said bonds. The bonds lowest in number being always redeemed in preference to those of higher number. Said bonds may be in the following form:

No..... \$100.00

"Bond of 'The Delmar Public Schools.'"

Form of bond.

The Delmar Public Schools in Sussex County, Delaware, is held and firmly bound unto the bearer in the sum of one hundred dollars, lawful money of the United States of America, which it binds itself to pay to the bearer on the..... day of A. D....., with interest from date at the rate of..... per centum payable at the office of the Treasurer of the Board, of "The Delmar Public Schools." The said interest to be paid annually from the date hereof. The said The Delmar Public Schools reserves the right to redeem this bond on any of the dates at which said interest shall fall due without notice.

Dated at Delmar, the..... day of..... A. D....
.....

Witness the seal of said The Delmar Public Schools and hands of President, Secretary and Treasurer.

President.
Secretary.
Treasurer.

(Corporate Seal).

Coupons at-
tached.

To be signed by
President, Sec-
retary and
Treasurer of
Board with
seal.

The said bonds shall have coupons attached for the payment of interest numbered to correspond with the bonds and signed by the Treasurer of the Board of Education aforesaid. The said bonds shall be signed by the President, Secretary and Treasurer of said Board and shall have the seal of the corporation affixed. The faith of said The Delmar Public Schools and of the Districts embraced therein is hereby pledged for the payment of the principal and interest of said bonds.

Section 11. That the said Board of Education is hereby authorized, empowered and required to annually levy and collect an additional tax, at the same time that the tax is levied for other

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school purposes in said Districts, which shall be sufficient to pay the annual interest on said bonds falling due under the provisions of Section 9 or which at the option of the said Board may be called and declared to be due under the provisions of said section. Purpose of.

Section 12. That for the purpose of enabling said Board to pay the principal and interest of said bonds it shall be lawful for the said Board of Education to retain in hand any amount of money which it shall raise by taxes and which is unexpended at the time of settlement with the Auditor of Accounts in the months of January and August, including moneys required by law to be raised by taxation in order to entitle such Districts to receive the school dividend from the State and such money so remaining in hand shall not be deducted from the share of dividend or school fund to which such school is entitled for the school year succeeding such settlement. To retain money unexpended at time of settlement with Auditor of Accounts.

That the President, Secretary and Treasurer of the said Board of Education are hereby authorized and directed to negotiate the sale of the bonds to be issued under this Act, and with the least possible delay after they shall have received the same and shall receive a compensation or not at the discretion of the said Board. The said bonds shall not be sold for less than their par value. Sale of bonds. Not less than par value.

The Treasurer shall procure a suitable book, and before delivering the bonds shall register therein the name of each purchaser, together with the number of bonds purchased in regular numerical order. That the said "The Delmar Public Schools" shall have the right to draw the dividends from time to time which the said United or Incorporated Districts Nos. 163 and 163½ in Sussex County shall be entitled to as their part of the State school fund, by an order signed by the President and attested by the Secretary of the Board of Education. Name of purchaser to be registered in suitable book. Incorporated districts to be entitled to same dividends of School Fund as before incorporation.

Section 13. That the said Board of Education shall on or before the Monday next preceding the last Saturday in June each year, cause to be made out and hung up in some public place in the town of Delmar, Delaware, a statement of the receipts and expenditures during the year showing the sources from which the receipts have been obtained and the objects for which they

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Annual settle-
ment.

were expended. The Treasurer of said Board shall annually settle the accounts of the said Board with the Auditor of Accounts.

Approved February 25, A. D. 1903.

CHAPTER 359.

OF FREE SCHOOLS.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT INCORPORATING THE SCHOOL COMMITTEE OF UNITED SCHOOL DISTRICTS NOS. 163 AND 163½, OF SUSSEX COUNTY, BY THE NAME OF "THE DELMAR PUBLIC SCHOOLS," AND AUTHORIZING SAID "THE DELMAR PUBLIC SCHOOLS" TO PROVIDE BETTER SCHOOL BUILDINGS AND TO BORROW MONEY, ISSUE BONDS, AND LEVY TAXES."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch thereof concurring therein):

Section 1. That Section 4 of the enrolled bill, approved by the Governor, February 25, A. D. 1903, entitled "An Act incorporating the School Committee of United School Districts Nos. 163 and 163½ of Sussex County, by the name of "The Delmar Public Schools," and authorizing said "The Delmar Public Schools," to provide better school buildings and to borrow money, issue bonds and levy taxes," be and the same is hereby amended by striking out the name "A. B. Frazier" in the tenth line of said Section 4 of said bill and inserting in lieu thereof the following, "A. B. Francis."

A. B. Francis
special Com-
missioner.

Approved March 26, A. D. 1903.

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CHAPTER 360.

OF FREE PUBLIC LIBRARIES.

A SUPPLEMENT TO AN ACT ENTITLED "AN ACT RESPECTING A FREE LIBRARY AND TO INCREASE THE USEFULNESS OF THE SCHOOLS OF WILMINGTON," PASSED APRIL 26TH, 1893, BEING CHAPTER 734, VOLUME 19, DELAWARE LAWS, AUTHORIZING LARGER PAYMENTS BY THE MAYOR AND COUNCIL OF WILMINGTON TOWARD THE SUPPORT OF FREE LIBRARIES AND READING ROOMS IN THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Section 1. The Mayor and Council of Wilmington is hereby authorized and empowered to enter into further continuous or perpetual contracts with the Wilmington Institute, by ordinance of Council approved by the Mayor, respecting payments of money toward the support of free libraries and reading rooms in the City of Wilmington beyond and besides, or instead of, the payment provided for in the Act to which this is a supplement.

Mayor and Council of Wilmington may make additional payments of money to the Wilmington Institute.

Section 2. The Mayor and Council of Wilmington is hereby authorized and empowered to enter into continuous or perpetual contracts by ordinance of Council approved by the Mayor with a party or parties designated by the Wilmington Institute respecting payments of money to be made toward the support of free libraries and reading rooms in the City of Wilmington.

May contract with an agent of the Institute.

Approved March 26, A. D. 1903.

OF FREE PUBLIC LIBRARIES.

CHAPTER 361.

OF FREE PUBLIC LIBRARIES.

AN ACT AMENDING AN ACT ENTITLED "AN ACT PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF FREE PUBLIC LIBRARIES," APPROVED MARCH 9TH, A. D. 1901, MAKING SCHOOL DISTRICTS THE CENTERS FOR FREE LIBRARIES, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Additional
powers.

State Treasurer
to pay con-
tingent ex-
penses.

Extension of
territory.

Section 1. That the Act entitled "An Act providing for the establishment and maintenance of Free Public Libraries," approved March 9, A. D. 1903, being Chapter 136 of Volume 22 of the Laws of Delaware, be and the same is hereby amended by striking out all of Section 2 of said Act after the word "Commissioner" in the seventh line of said section, and inserting in lieu thereof the following, "The Commission is hereby authorized and empowered to expend such sum or sums as it shall deem proper and necessary for effectuating the objects of this Act, provided said sums shall not in the aggregate in any one year exceed the sum of seven hundred dollars exclusive of the expenses actually incurred by the members in attendance on the Commission, and of sums expended for necessary printing, postage and stationery. Such sums, together with the actual expenses of the members incurred in attending the Commission and all bills for necessary printing, postage and stationery, shall be paid by the State Treasurer to the said Commission, upon the order or orders of its Chairman or President, attested by its Secretary."

Section 2. That said Act be amended further by striking out the word "Town" in the seventh line of Section 3 thereof, and inserting in lieu thereof the word "District."

Section 3. That said Act be amended further by striking out the words "Any incorporated city or town in this State," in the first line of Section 4 thereof, and inserting in lieu thereof, the

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following, "Any single, united, consolidated or incorporated School District in this State."

Section 4. That said Act be amended further by striking out all of Section 5 thereof, and substituting in lieu thereof, the following:

"Section 5. Any single, united, consolidated or incorporated School District in this State is hereby authorized and empowered to establish and maintain a free Public Library, with or without reading room, provided that at any election held as hereinafter provided, a majority of the qualified electors of said School District then present and voting, shall vote in favor of such establishment."

School District to maintain a free Public Library if approved by voters thereof.

Section 5. That said Act be amended further by striking out all of Section 6, and substituting in lieu thereof the following:

"Section 6. For the purpose of this Act, all the School Districts in this State, single, united, consolidated and incorporated, are classified according to the sums which the several Boards of Education or School Committees are authorized by law to levy and raise by taxation annually for current school expenses, as follows, namely:

Classification of Districts.

Every District in which the sum authorized as aforesaid is six thousand dollars or more, shall be deemed and taken to be a District of the first class; every District in which the sum authorized as aforesaid is not less than four thousand nor as much as six thousand dollars, shall be deemed and taken to be a District of the second class; every District in which the sum authorized as aforesaid is not less than two thousand, nor as much as four thousand dollars, shall be deemed and taken to be a District of the Third Class; every District in which the sum authorized as aforesaid is not less than one thousand, nor as much as two thousand dollars, shall be deemed and taken to be a District of the Fourth Class; every District in which the sum authorized as aforesaid is not less than five hundred, nor as much as one thousand dollars, shall be deemed and taken to be a District of the Fifth Class; every District in which the sum authorized as aforesaid is not less than two hundred, nor as much as five hundred dollars, shall be deemed and taken to be a District of the Sixth Class; and every District in which the sum authorized as aforesaid is

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less than two hundred dollars shall be deemed and taken to be a District of the Seventh Class."

Section 6. That said Act be further amended by striking out all of Section 7 thereof and substituting in lieu thereof, the following:

Question of establishment of free Public Libraries to be submitted to qualified electors of each district.

Petition.

Number of petitioners.

"Section 7. Every Board of Education or School Committee in this State shall submit the question as to the establishment of a free public library in said District to the qualified electors thereof, at a special election to be held on the day next following the ensuing regular school election in such District, not being Sunday or a legal holiday; provided said Board or Committee be petitioned so to do thirty days at least before the next succeeding regular school election in such District, by a number of the qualified electors thereof. The number of qualified electors who must petition as aforesaid, shall be as follows, namely; in districts of the First or Second Class, twenty qualified electors; in Districts of the Third, Fourth or Fifth Class, ten qualified electors; and in Districts of the Sixth or Seventh Class, five qualified electors."

Qualification of voters.

Election.

How held.

Notice of.

Neglect of notice.

How made effectual.

Section 7. That said Act be amended further by striking out all of Section 8 thereof after the word "question," in the sixth line of said section and substituting in lieu thereof the following, "All persons entitled to vote at the regular school election next before such special election, shall be entitled to vote on such question." In all respects the place of voting and the conduct of the election, counting of ballots and the like, shall be as now are, or hereafter may be, provided by law for the regular school election in the School District wherein such question is submitted. Provided, that the Board of Education or School Committee, upon being petitioned to submit the question of the establishment of a free library as hereinbefore provided, shall give notice of such submission by printed advertisements posted in at least five public places in said District at least ten days before the election. The said advertisement shall state the question to be submitted as hereinbefore provided, and the time and place of voting upon such question. In case any Board of Education or School Committee shall neglect or refuse to give such notice, any qualified elector may do so, and the notice so given shall be as effectual as though given by said Board or Committee."

Section 8. That said Act be amended further by striking

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out the word "Town" in the fourth line of Section 9 thereof, and inserting in lieu thereof the word "school," and by striking out the words "Town Council" in the sixth and seventh lines of said Section 9, and inserting in lieu thereof, the words "said Board of Education or School Committee."

Section 9. That said Act be amended further by striking out all of Section 10 thereof and substituting in lieu thereof the following:

"Section 10. If at any election the qualified electors shall in the manner aforesaid, declare in favor of the establishment of a free public library in any District, then the Board of Education or School Committee thereof shall, and it is hereby authorized, empowered and required to levy and raise by taxation for the purpose of the establishment of such library therein, and also for the maintenance, increase and support of said library for the year then next ensuing, a sum determinable by the class in which such District belongs, that is to say: If such District be of the First Class, the sum required to be levied and raised as aforesaid, shall be not less than two hundred and fifty, nor more than six hundred dollars; if such District be of the Second Class, the sum so required as aforesaid shall be not less than one hundred and fifty, nor more than four hundred dollars; if such District be of the Third Class, the sum so required as aforesaid, shall be not less than one hundred, nor more than three hundred dollars; if such District be of the Fourth Class, the sum so required as aforesaid, shall be not less than seventy-five dollars, nor more than two hundred dollars; if such District be of the Fifth Class, the sum so required as aforesaid, shall be not less than fifty, nor more than one hundred and fifty dollars; if such District be of the Sixth Class, the sum so required as aforesaid, shall be not less than forty, nor more than one hundred dollars; and if such District be of the Seventh Class, the sum so required as aforesaid shall not be less than twenty-five, nor more than seventy-five dollars.

Powers of Board of Education or School Committee.

Taxation for purpose of act.

Classification of districts.

Amount of tax in each class.

And annually thereafter, such Board of Education or School Committee shall levy and raise by taxation for the maintenance and increase of the library so established as aforesaid, a sum as hereinbefore prescribed and limited in this Section for the establishment of such library.

Subsequent annual taxation.

All sums authorized to be levied and raised by taxation

OF FREE PUBLIC LIBRARIES.

Taxes collected under this Act, shall be levied, raised and collected as school taxes for current school expenses are, and shall, if the said Board or Committee deem it necessary, be in excess of and in addition to the sum or amount authorized to be raised in said District by taxation for current school expenses.

Each district to determine amount of money to be raised, but not less than minimum.

Any District in which a library has been established as aforesaid, may fix any sum (not less than the minimum sum required to be raised in said District as hereinbefore prescribed in this Section) to be levied and raised in the District for the maintenance and increase of the library therein during the ensuing year; the vote to fix any sum shall be by ballot, and a majority of the ballots cast at such election shall determine the question."

Section 10. That said Act be amended further by striking out all of Section 11 thereof and substituting in lieu thereof the following:

To elect School District Library Commission.

"Section 11. Every School District in this State which shall establish a free public library pursuant to the provisions of this Act, shall annually thereafter, at an election held on the day next following the regular school election (not being Sunday or a legal holiday), elect members of a School District Library Commission.

Number of members.

Classification of districts as to number of members.

The said District Library Commission shall be composed of the following number of members, namely: If it be a commission in a District of the First or Second Class, nine members; in a District of the Third or Fourth Class, five members; in a District of the Fifth, Sixth or Seventh Class, three members. The members shall hold office for the term of three years, or until their successors are duly elected and qualified; provided, that at the first election of said commission next succeeding the establishment of a free public library as aforesaid the members of said commission shall be elected for the following terms, namely: For a District of the First or Second Class, three members shall be elected for one year, three for two years, and three for three years, or until their successors are duly chosen and qualified; for a District of the Third or Fourth Class, two of the members shall be elected for one year, two for two years, and one for three years, or until their successors are duly chosen and qualified; for a District of the Fifth, Sixth or Seventh Class, one of the members shall be elected

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for one year, one for two years, and one for three years, or until their successors are duly chosen and qualified; provided further, that the Board of Education or School Committee in any School District wherein the question as to the establishment of a free public library has been submitted and carried in favor of such establishment as hereinbefore provided, shall, as soon as may be after the decision upon such question has been ascertained, elect all of the members of such district library commission to compose the first district library commission to act until their successors have been elected by the qualified electors of the district at the time hereinbefore provided for such election.

The members of any district library commission may or may not be members of the Board of Education or School Committee of the District, and no person shall be ineligible to serve on said commission by reason of sex. The election of the members of said commission at any district election shall be by ballot by the qualified electors of said district, and in all other respects, except as to the day of election, shall be conducted as is the election of members of the Board of Education or School Committee in the district.”

Members of School Committees may be members of Commission.

Section 11. That said Act be amended further by striking out all of Section 12 thereof and substituting in lieu thereof the following:

“Section 12. The first meeting of the District Library Commission shall be on the evening of the Tuesday next succeeding the election of its members. The commission shall organize by electing from its members a chairman and secretary, and such other officers as it may deem proper. The treasurer of the School District shall be the treasurer of said Commission, and shall be subject to all orders of said Commission relative to moneys in his hands of which the said Commission has custody, as provided in this Act. The official bond of said treasurer shall be held and deemed to cover and include all such moneys, and the due and proper accounting therefor. A vacancy in said Commission caused by refusal to act, death, resignation or otherwise, shall be filled by said Commission until the regular school election next succeeding. A failure to attend three meetings of said Commission in succession shall, at the option of said Commission, be deemed a vacancy.”

First meetings.

Organization.

Treasurer.

Bond of.

Vacancy.

How filled.

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Section 12. That said Act be amended further by striking out all of Section 13 and Section 14 thereof, and substituting in lieu thereof the following two Sections:

Library land,
money or
property to be
in hands of
District Library
Commission

"Section 13. The District Library Commission so elected as aforesaid shall have the entire custody and management of the library and all property owned or leased, or donated, relating thereto, and all money raised by the district or donated for its establishment and maintenance, or paid by the State Treasurer, as hereinafter provided, shall be placed in the care and custody of said Commission, to be expended or retained by said Commission for and in behalf of the district for the foundation and establishment and for the maintenance and increase of its free public library.

Report.

The Commission shall make an explicit report to the district at each annual school meeting of all its receipts and expenditures, and of all the property of the district in its care and custody, including a statement of any unexpended balance of money, and of any bequests or donations in behalf of the district, and of any sum or sums received from the State as hereinafter provided, with such recommendations with reference to same as is deemed necessary for the district to consider.

The said Commission shall also make report and recommendation concerning the amount of money deemed necessary and proper by said Commission to be raised by taxation for any one year for said library, to the Board of Education or School Committee after the selection of said Commission as aforesaid and prior to the fixing of the rate of taxation for said purpose by said Board of Education, or School Committee. The said District Library Commission shall also make such reports, at such times and embracing such matters, to the State Library Commission created by this Act as the said State Library Commission shall order and direct.

Additional
powers.

The said District Library Commission shall also have the power to procure by purchase, lease or acceptance of a gift or donation, a room or rooms for said library, and to fit and furnish the same for a library, or a library and reading room, to provide for the heat and light in the same, and the care thereof; and may, with the consent of the Board of Education or the School Committee use any school room or rooms for this purpose; to purchase or accept donations or gifts of books, maga-

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zines, newspapers and reviews; to employ a librarian or librarians and a custodian and caretaker, and shall have such further and additional powers in the premises as are or may be deemed necessary for the foundation and establishment, and the support and maintenance, of a library, or a library and reading room.

The said Commission shall also have the power to make such rules and regulations for the conduct of the persons employed by it, and for the care and use of the books, newspapers, magazines and reviews in said library by the persons having authority to use said library, and also concerning the conduct and deportment of all persons while in or about said library or library and reading room, as said Commission shall or may from time to time deem proper and advisable; provided, the use of said library or library and reading room or the contents thereof, shall be free to said district, or to any person outside the District who owns real estate assessable for the school of the District. The rules and regulations so made by said Commission shall be enforceable by a penalty which the Commission is hereby authorized to impose. Infraction of rules.

Such penalty shall consist either of a suspension from the privileges of said library or library and reading room and the contents thereof, or by a money fine. All money fines imposed as aforesaid may be collected by proceedings instituted in the corporate name of the district before any Justice of the Peace of the County, and jurisdiction to hear and finally determine all such proceedings is hereby conferred upon any and all justices of the peace. The process, mode of proceeding and rendering of judgment shall be as now is, or hereafter may be, provided by law for the collection of fines before justices of the peace. Penalty. Fines. How collected.

All fines so collected shall be paid to the district and by it paid over to the District Library Commission, to be used as other money of which it has the custody and care as hereinbefore provided." Disposition of fines.

"Section 14. In addition to its other powers, the District Library Commission may, if it deem proper, permit persons living without the corporate limits of said district, to enjoy and use said library or library and reading room exactly as though residents of said district, upon the payment to said Commission Additional powers as to residents without the district.

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for the use of the library such fee or fees as said Commission shall deem proper."

Section 13. That said Act be amended further by striking out Section 15 thereof and substituting in lieu thereof the following:

Consolidation
of two or more
districts for the
purposes of this
act.

How effected.

"Section 15. That any two or more School Districts may unite for the purpose of obtaining the benefit of this Act. Whenever any School Committee of any of such districts shall be petitioned therefor by at least five qualified electors thereof, said Committee shall arrange with the School Committee of any other of said districts for the holding of a special election to determine the question. At such election, any qualified elector in any one of said Districts shall be entitled to vote at said special election. If a majority of the votes then cast shall be in favor of uniting and establishing a free library for said Districts, the same shall be deemed and taken to be effected. The districts so united shall be taken to be one district for the purposes of this Act, and shall be considered as belonging to the class which any one of said Districts would have belonged to if there had been no union."

Section 14. That said Act be amended further by striking out all of Section 16 thereof, and substituting in lieu thereof the following:

Amount of
annual appro-
priation to each
Free Library
District.

"Section 16. Whenever the State Library Commission shall certify to the State Treasurer of the State of Delaware that any single, united, consolidated or incorporated School District in this State has established a free public library therein, and has raised by taxation, gift or otherwise a sum not less than the sum prescribed by Section 10 of this Act for the class to which such District belongs, for the support and maintenance of said library for the year then next ensuing, that then said State Treasurer shall pay to the District Library Commission of any such School District, a sum equal to one-half of the lowest sum prescribed in Section 10 of this Act for the class in which such district belongs; and annually thereafter, the said State Treasurer shall pay to said District Library Commission a like sum, upon the certificate of the State Library Commission that said District has raised by taxation, gift, or otherwise a sum as hereinbefore provided for the maintenance and support of a free public library therein for the year next ensuing."

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Section 15. That said Act be amended further by adding at the end thereof the following Section:

"Section 17. That the free public library heretofore established in the Town of Dover be, and the same is hereby transferred to and made the free public library of the United School District known as 'Dover Public Schools;' and all the rights, powers, privileges and duties prescribed by this Act for free libraries to be established under its provisions, shall immediately vest in the library so transferred, and in the said united school district, and in the Board of Education thereof, and in the local library commission having control thereof precisely as if said free library had been established in said united school districts in the first instance. The members of the local library commission having control of said free library at the time of the passage of this Act shall compose the District Library Commission after such transfer during the respective terms for which they were severally elected."

Free Public Library of Dover transferred to United School District of "Dover Public Schools."

Members of Library Commission to be continued for terms of election.

"That the free library known as the 'Corbit Library' provided for under Chapter CCCCXVI of Volume 11 of the Laws of Delaware be and the same is hereby made a School District Library for the purpose of receiving all benefits provided in Section 17 of this Act, and for the purpose of ascertaining what appropriation said Library shall receive under said Section from the State Treasurer, said Corbit Library shall be deemed and taken to be a library established under the provisions of this Act in a School District of the Third Class; but in all other respects said Corbit Library shall remain and continue as though this Act had not been passed."

Corbit Library made a School District Library of the third class.

Section 16. The Secretary of State be and he is hereby authorized and required to publish the Act to which this is an Amendment as the same is hereby amended.

Approved March 31, A. D. 1903.

OF FREE PUBLIC LIBRARIES.

CHAPTER 362.

OF FREE PUBLIC LIBRARIES.

AN ACT PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF FREE PUBLIC LIBRARIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of the members elected to each House concurring therein):

Creation of
State Library
Commission.

Section 1. That as soon as may be after the adoption of this Act, there shall be created and established a board to be known as "The State Library Commission for the State of Delaware."

How composed.

Said Commission shall be composed of nine persons to be appointed by the Governor, who shall respectively hold office for the term of five years or until their successors are duly chosen; provided, that in the first Commission created under this Act, the

Terms of office.

Governor shall appoint three members for the term of one year, three members for the term of three years, and three members

Vacancies.

for the term of five years. All vacancies on said Commission, whether occurring by expiration of term, or otherwise, shall be filled by the Governor. No person shall be ineligible by reason of sex to serve on the Commission.

Organization of
Commission.

Section 2. The said Commission shall organize by the selection from its members of a chairman and such other officers as are or may be deemed advisable; provided, that the State Li-

State Librarian
Secretary of.

brarian shall, by virtue of his office, be the Secretary of said Commission, but shall have no vote or voice in the acts and proceedings of said Commission. No member shall receive any salary or compensation for his services as such Commissioner.

No salary for
member.

Additional
powers.

The Commission is hereby authorized and empowered to expend such sum or sums as it shall deem proper and necessary for effectuating the objects of this Act, provided said sums shall not in the aggregate in any one year exceed the sum of seven hundred dollars exclusive of the expenses actually incurred by the members in attendance on the Commission, and of sums ex-

OF FREE PUBLIC LIBRARIES.

pended for necessary printing, postage and stationery. Such sums, together with the actual expenses of the members incurred in attending the Commission and all bills for necessary printing, postage and stationery, shall be paid by the State Treasurer to the said Commission, upon the order or orders of its Chairman or President, attested by its Secretary.

State Treasurer
to pay con-
tingent ex-
penses.

Section 3. The said Commission shall have general supervision over all libraries in this State established or maintained under the provisions of this Act; and shall have the supervision and control of all circulating libraries now, or hereafter to be, established under the provisions of Chapter 220, of Volume 21, of the Laws of Delaware; shall have power to require of any and all District Library Commissions created as hereinafter provided such reports as are or may be deemed proper; shall make certificate to the State Treasurer when any library is entitled to State aid, as is hereinafter provided; and shall have all further and other powers necessary and proper for the general supervision of the libraries aforesaid. The said State Library Commission shall have power to make all rules and by-laws for its own government. The said Commission shall, in the month of January in each year in which there is a regular biennial session of the General Assembly of this State, make report to said General Assembly of its doings and of any recommendations deemed advisable.

Duties of.

Make bi-ennial
report.

Section 4. Any single, united, consolidated or incorporated School District in this State may receive in its corporate capacity and hold any devise, bequest or donation for the foundation and establishment or for the maintenance, support and increase of a free public library within same.

School District
may receive be-
quests, &c.

Section 5. Any single, united, consolidated or incorporated School District in this State is hereby authorized and empowered to establish and maintain a free Public Library, with or without reading room, provided that at any election held as hereinafter provided, a majority of the qualified electors of said School District then present and voting, shall vote in favor of such establishment.

School District
to maintain a
Free Public
Library, if
approved by
voters thereof.

Section 6. For the purposes of this Act, all the School Districts in this State, single, united, consolidated and incorporated, are classified according to the sums which the several Boards of Education or School Committees are authorized by law to levy

Classification of
districts.

OF FREE PUBLIC LIBRARIES.

and raise by taxation annually for current school expenses, as follows, namely:

Every District in which the sum authorized as aforesaid is six thousand dollars or more, shall be deemed and taken to be a District of the First Class; every District in which the sum authorized as aforesaid is not less than four thousand nor as much as six thousand dollars, shall be deemed and taken to be a District of the Second Class; every District in which the sum authorized as aforesaid is not less than two thousand, nor as much as four thousand dollars, shall be deemed and taken to be a District of the Third Class; every District in which the sum authorized as aforesaid is not less than one thousand, nor as much as two thousand dollars, shall be deemed and taken to be a District of the Fourth Class; every District in which the sum authorized as aforesaid is not less than five hundred, nor as much as one thousand dollars, shall be deemed and taken to be a District of the Fifth Class; every District in which the sum authorized as aforesaid is not less than two hundred, nor as much as five hundred dollars, shall be deemed and taken to be a District of the Sixth Class; and every District in which the sum authorized as aforesaid is less than two hundred dollars shall be deemed and taken to be a District of the Seventh Class.

Question of establishment of Free Public Libraries to be submitted to qualified electors of each district.

Petition.

Number of petitioners.

Section 7. Every Board of Education or School Committee in this State shall submit the question as to the establishment of a free public library in said District to the qualified electors thereof, at a special election to be held on the day next following the ensuing regular school election in such District, not being Sunday or a legal holiday; provided said Board or Committee be petitioned so to do thirty days at least before the next succeeding regular school election in such District, by a number of the qualified electors thereof. The number of qualified electors who must petition as aforesaid, shall be as follows, namely: in districts of the First or Second Class, twenty qualified electors; in Districts of the Third, Fourth or Fifth Class, ten qualified electors; and in Districts of the Sixth or Seventh Class, five qualified electors.

Vote to be by ballot.
Form of question to be voted on.

Section 8. The vote on the question as to the establishment of a free public library, when submitted as aforesaid, shall be by ballot, upon which shall be printed or written either the words "for a free library," or the words "against a free library." A majority of the ballots cast legally at said election shall deter-

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mine the question. All persons entitled to vote at the regular school election next before such special election shall be entitled to vote on such question. In all respects the place of voting, and the conduct of the election, counting of ballots, and the like, shall be as now are, or hereafter may be, provided by law for the regular school election in the School District wherein such question is submitted. Provided, that the Board of Education or School Committee, upon being petitioned to submit the question of the establishment of a free library as hereinbefore provided, shall give notice of such submission by printed advertisements posted in at least five public places in said District at least ten days before the election. The said advertisements shall state the question to be submitted as hereinbefore provided, and the time and place of voting upon such question. In case any Board of Education or School Committee shall neglect or refuse to give such notice, any qualified elector may do so, and the notice so given shall be as effectual as though given by said Board or Committee.

Qualification of voters.
Election.

How held.

Notice of.

Neglect of notice.
How made effectual.

Section 9. If a majority of the ballots cast as aforesaid shall be against the establishment of a free library, the question as to such establishment may again be submitted at special elections to be held on the day next following any regular school election thereafter ensuing (not being Sunday or a legal holiday) as often as petitions therefor shall be presented to the said Board of Education or School Committee as hereinbefore provided.

Subsequent elections.

Section 10. If at any election the qualified electors shall in the manner aforesaid, declare in favor of the establishment of a free public library in any District, then the Board of Education or School Committee thereof shall, and it is hereby authorized, empowered and required to levy and raise by taxation for the purpose of the establishment of such library therein, and also for the maintenance, increase and support of said Library for the year then next ensuing, a sum determinable by the class in which such District belongs, that is to say: If such District be of the First Class, the sum required to be levied and raised as aforesaid shall be not less than two hundred and fifty, nor more than six hundred dollars; if such District be of the Second Class, the sum so required as aforesaid shall be not less than one hundred and fifty, nor more than four hundred dollars; if such District be of the Third Class the sum so required as aforesaid shall be not less than one hundred, nor more than three hundred dollars; if such

Powers of Board of Education or School Committee.

Taxation for purpose of act.

Classification of districts.

Amount of tax in each class.

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District be of the Fourth Class, the sum so required as aforesaid shall be not less than seventy-five dollars, nor more than two hundred dollars; if such District be of the Fifth Class, the sum so required as aforesaid shall be not less than fifty, nor more than one hundred and fifty dollars; if such District be of the Sixth Class, the sum so required as aforesaid shall be not less than forty nor more than one hundred dollars; and if such District be of the Seventh Class, the sum so required as aforesaid shall be not less than twenty-five, nor more than seventy-five dollars.

Subsequent
annual taxation.

And annually thereafter, such Board of Education or School Committee shall levy and raise by taxation for the maintenance and increase of the library so established as aforesaid, a sum as hereinbefore prescribed and limited in this section for the establishment of such library.

Taxes collected
in same manner
as school taxes.

All sums authorized to be levied and raised by taxation under this Act, shall be levied, raised and collected as school taxes for current school expenses are, and shall, if the said Board or Committee deem it necessary, be in excess of and in addition to the sum or amount authorized to be raised in said District by taxation for current school expenses.

Each district to
determine
amount of
money to be
raised, but not
less than min-
imum.

Any District in which a library has been established as aforesaid, may fix any sum (not less than the minimum sum required to be raised in said District as hereinbefore prescribed in this section) to be levied and raised in the District for the maintenance and increase of the library therein during the ensuing year; the vote to fix any sum shall be by ballot, and a majority of the ballots cast at such election shall determine the question.

To elect School
District Library
Commission.

Section 11. Every School District in this State which shall establish a free public library pursuant to the provisions of this Act, shall annually thereafter, at an election held on the day next following the regular school election (not being Sunday or a legal holiday) elect members of a school District Library Commission.

Number of
members.

The said District Library Commission shall be composed of the following number of members, namely: if it be a commission in a District of the First or Second Class, nine members; in a District of the Third or Fourth Class, five members; in a District of the Fifth, Sixth or Seventh Class, three members. The members shall hold office for the term of three years, or until their successors are duly elected and qualified; provided that at

Classification of
districts as to
number of
members.

OF FREE PUBLIC LIBRARIES.

the first election of said commission next succeeding the establishment of a free public library as aforesaid the members of said commission shall be elected for the following terms, namely: for a District of the First or Second Class, three members shall be elected for one year, three for two years, and three for three years, or until their successors are duly chosen and qualified; for a District of the Third or Fourth Class, two of the members shall be elected for one year, two for two years, and one for three years, or until their successors are duly chosen and qualified; for a District of the Fifth, Sixth or Seventh class, one of the members shall be elected for one year, one for two years, and one for three years, or until their successors are duly chosen and qualified; provided further, that the Board of Education or School Committee, in any School District wherein the question as to the establishment of a free public library has been submitted and carried in favor of such establishment as hereinbefore provided, shall, as soon as may be after the decision upon such question has been ascertained, elect all of the members of such district library commission to compose the first district library commission to act until their successors have been elected by the qualified electors of the district at the time hereinbefore provided for such election.

The members of any district library commission may or may not be members of the Board of Education or School Committee of the District and no person shall be ineligible to serve on said commission by reason of sex. The election of the members of said commission at any district election shall be by ballot by the qualified electors of said district, and, in all other respects except as to the day of election shall be conducted as is the election of members of the Board of Education or School Committee in the District.

Members of School Committee may be members of Commission.

Section 12. The first meeting of the District Library Commission shall be on the evening of Tuesday next succeeding the election of its members. The Commission shall organize by electing from its members a chairman and secretary, and such other officers as it may deem proper. The treasurer of the School District shall be the treasurer of said Commission, and shall be subject to all orders of said Commission relative to moneys in his hands of which the said Commission has custody, as provided in this Act. The official bond of said Treasurer shall be held and

First meeting.

Organization.

Treasurer.

Bond of.

OF FREE PUBLIC LIBRARIES.

Vacancy.
How filled.

deemed to cover and include all such moneys, and the due and proper accounting therefor. A vacancy in said Commission caused by refusal to act, death, resignation or otherwise, shall be filled by said Commission until the regular school election next succeeding. A failure to attend three meetings of said Commission in succession shall, at the option of said Commission, be deemed a vacancy.

Library land, money or property to be in hands of District Library Commission.

Section 13. The District Library Commission so elected as aforesaid shall have the entire custody and management of the library and all property owned or leased, or donated, relating thereto, and all money raised by the district or donated for its establishment and maintenance, or paid by the State Treasurer, as hereinafter provided, shall be placed in the care and custody of said Commission to be expended or retained by said Commission for and in behalf of the district for the foundation and establishment and for the maintenance and increase of its free public library.

Report.

The Commission shall make an explicit report to the district at each annual school meeting of all its receipts and expenditures, and of all the property of the district in its care and custody, including a statement of any unexpended balance of money, and of any bequests or donations in behalf of the district, and of any sum or sums received from the State as hereinafter provided, with such recommendations with reference to same as is deemed necessary for the district to consider.

The said Commission shall also make report and recommendation concerning the amount of money deemed necessary and proper by said Commission to be raised by taxation for any one year for said Library, to the Board of Education or School Committee after the selection of said Commission as aforesaid and prior to the fixing of the rate of taxation for said purpose by said Board of Education, or School Committee. The said District Library Commission shall also make such reports, at such times and embracing such matters, to the State Library Commission created by this Act as the said State Library Commission shall order and direct.

Additional Powers.

The said District Library Commission shall also have the power to procure by purchase, lease or acceptance of a gift or donation, a room or rooms for said library, and to fit and furnish

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for the heat and light in the same, and the care thereof; and may, with the consent of the Board of Education or the School Committee use any school room or rooms for this purpose; to purchase or accept donations or gifts of books, magazines, newspapers and reviews; to employ a librarian or librarians and a custodian and care-taker, and shall have such further and additional powers in the premises as are or may be deemed necessary for the foundation and establishment, and the support and maintenance of a library, or a library and reading room.

The said Commission shall also have the power to make such rules and regulations for the conduct of the persons employed by it, and for the care and use of the books, newspapers, magazines and reviews in said library by the persons having authority to use said library, and also concerning the conduct and deportment of all persons while in or about said library or library and reading room, as said Commission shall or may from time to time deem proper and advisable; provided, the use of said library or library and reading room or the contents thereof shall be free to said district, or to any person outside the district who owns real estate assessable for the school of the district. The ^{Infraction of rules.} rules and regulations so made by said Commission shall be enforceable by a penalty which the Commission is hereby authorized the same for a library, or a library and reading room, to provide to impose.

Such penalty shall consist either of a suspension from the ^{Penalty.} privileges of said library or library and reading room and the contents thereof, or by a money fine. All money fines imposed as ^{Fines.} aforesaid may be collected by proceedings instituted in the cor- ^{How collected.} porate name of the district before any Justice of the Peace of the County, and jurisdiction to hear and finally determine all such proceedings is hereby conferred upon any and all justices of the peace. The process, mode of proceeding and rendering of judgment shall be as now is, or hereafter may be, provided by law for the collection of fines before Justices of the Peace.

All fines so collected shall be paid to the district and by it ^{Disposition of fines.} paid over to the District Library Commission to be used as other money of which it has the custody and care as hereinbefore provided.

Section 14. In addition to its other powers, the District Li-

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Additional powers as to residents without the district.

brary Commission may, if it deem proper, permit persons living without the corporate limits of said district, to enjoy and use said library or library and reading room exactly as though residents of said district, upon the payment to said Commission for the use of the library such fee or fees as said Commission shall deem proper.

Consolidation of two or more districts for the purposes of this act.

Section 15. That any two or more School Districts may unite for the purpose of obtaining the benefit of this Act. Whenever any School Committee of any such districts shall be petitioned therefor by at least five qualified electors thereof, said Committee shall arrange with the School Committee of any other of said districts for the holding of a special election to determine the question. At such election, any qualified elector in any one of said Districts shall be entitled to vote at said special election. If a majority of the votes then cast shall be in favor of uniting and establishing a free library for said Districts, the same shall be deemed and taken to be effected. The districts so united shall be taken to be one district for the purposes of this Act, and shall be considered as belonging to the class which any one of said Districts would have belonged to if there had been no union.

How effected.

Amount of annual appropriation to each Free Library District.

Section 16. Whenever the State Library Commission shall certify to the State Treasurer of the State of Delaware that any single, united, consolidated or incorporated School District in this State has established a free public library therein, and has raised by taxation, gift, or otherwise a sum not less than the sum prescribed by Section 10 of this Act for the class to which such District belongs, for the support and maintenance of said library for the year then next ensuing, that then said State Treasurer shall pay to the District Library Commission of any such School District, a sum equal to one-half of the lowest sum prescribed in Section 10 of this Act for the class in which such district belongs; and annually thereafter, the said State Treasurer shall pay to said District Library Commission a like sum, upon the certificate of the State Library Commission that said District has raised by taxation, gift, or otherwise a sum as hereinbefore provided for the maintenance and support of a free public library therein for the year next ensuing.

Section 17. That the free public library heretofore established in the Town of Dover be, and the same is hereby transferred to and made the free public library of the United School

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District known as "Dover Public Schools;" and all the rights, powers, privileges and duties prescribed by this Act for free libraries to be established under its provisions, shall immediately vest in the library so transferred, and in the said United School District, and in the Board of Education thereof, and in the local library commission having control thereof precisely as if said free library had been established in said united school districts in the first instance. The members of the local library commission having control of said free library at the time of the passage of this Act shall compose the District Library Commission after such transfer during the respective terms for which they were severally elected.

Free Public Library of Dover transferred to United School District of "Dover Public Schools."

Members of Library Commission to be continued for terms of election.

That the free library known as the "Corbit Library" provided for under Chapter CCCCXVI of Volume 11 of the Laws of Delaware be and the same is hereby made a School District Library for the purpose of receiving all benefits provided in Section 17 of this Act, and for the purpose of ascertaining what appropriation said Library shall receive under said Section from the State Treasurer, said Corbit Library shall be deemed and taken to be a library established under the provisions of this Act in a School District of the Third Class; but in all other respects said Corbit Library shall remain and continue as though this Act had not been passed.

Corbit Library made a School District Library of the third class.

Approved March 9, A. D. 1901.

Amended and Approved March 31, A. D. 1903.

OF REFORM SCHOOLS.

CHAPTER 363.

OF REFORM SCHOOLS.

AN ACT IN RELATION TO "THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Section 1. That Chapter 637, Volume 19, of the Laws of Delaware be amended by striking out all of Section 1 after the word "it" in the eleventh line thereof, and inserting in lieu thereof the following: "may act as guardian or custodian of any girl under the age of eighteen years who shall be committed to its custody, charge or guardianship according to law, for the physical, mental and moral training of such girl, and during such time as any girl is in the custody, charge or guardianship of this Corporation the guardianship, custody or control of parents, guardians, or any other person whatsoever shall be thereby superseded; and may make such by-laws, rules and regulations and appoint such officers, agents and committees as may be deemed necessary or proper to carry out the purposes of this Corporation."

Corporate
powers
amended.

Section 2. That Chapter 637, Volume 19, of the Laws of Delaware be further amended by striking out all of Section 3 after the figure three in the first line of said Section and inserting in lieu thereof the following: "It shall be lawful for the said Corporation, it assenting thereto, to receive into its charge, custody or guardianship any girl under the age of eighteen years, when committed thereto in any one of the following modes:

Corporation
may receive
any girl under
18 years of age.

Modes of
commitment.

Complaint of
parent, guardian
or constable.

"First. A parent, guardian or next friend of any girl under the age of eighteen years, or any constable or police officer, or any three respectable persons, may complain to the Judge of any Municipal Court in this State, or to any Justice

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of the Peace of any County in this State, alleging that such girl, by reason of incorrigible or vicious conduct, cannot be controlled, or that she is leading an idle and immoral, or vicious life, or that she has been found in circumstances of manifest danger of falling into habits of vice or immorality, and request that she may be committed to the charge, custody or guardianship of the said Corporation; upon due proof of the facts alleged in such complaint, and it appearing that the welfare of such girl requires it, the Judge or Justice of the Peace, may, with the assent thereto of said Corporation, commit such girl to its charge, custody or guardianship until discharged by the said Corporation according to its rules and regulations."

"Second. When it shall appear to the Judge of any Municipal Court in this State or any Justice of the Peace of any county of this State, upon complaint made as aforesaid, and satisfactory proof of the allegations therein contained, that any girl under the age aforesaid, in consequence of vagrancy or other improper conduct is a proper subject for the charge, custody or guardianship of said Corporation, and that the parent, guardian or other person having the charge or custody of such girl is, from moral depravity or otherwise, incapable of exercising or neglects to exercise the proper care and discipline over her, such Judge or Justice of the Peace may, with its assent, commit her to the charge, custody or guardianship of said Corporation until discharged by the said Corporation according to its rules and regulations."

"Third. Any girl under the age of eighteen years may, with its assent, be committed to the charge, custody or guardianship of said Corporation, by the Court of General Sessions in and for any County of this State, the Judge of any Municipal Court in this State or by any Justice of the Peace of this State, upon conviction of vagrancy or other criminal offense before them, or upon acquittal of such girl, if the Court, Judge or Justice of the Peace, upon testimony, shall consider her a proper subject for the said Corporation; such commitment shall be until discharged by the said Corporation according to its rules and regulations; and any girl under the age aforesaid, against whom a crime, other than murder or arson, is charged before a Grand Jury, if the charge is supported by sufficient evidence to put her on trial, on the recommendation of the Grand Jury and without presenting an indictment, may, with the assent of said Cor-

OF REFORM SCHOOLS.

poration, be committed by the Court to the charge, custody or guardianship of said Corporation until discharged by the said Corporation according to its rules and regulations."

"All girls, committed to the charge, custody or guardianship of said Corporation, shall remain wholly subject to such charge, custody or guardianship wheresoever they may be placed by said Corporation, in private homes or elsewhere, or wheresoever they may be found, until discharged by it according to its rules and regulations."

Section 3. That Chapter 637, Volume 19, of the Laws of Delaware be further amended by striking out all of Section 4 after the figure four.

Section 4. That Chapter 637, Volume 19, of the Laws of Delaware be further amended by striking out all of Section 5 after the figure five in the first line of said Section and inserting in lieu thereof the following: "If any girl in the charge, custody or guardianship of said Corporation shall be guilty of an attempt to set fire to any building, or to any combustible matter for that purpose, or of openly resisting the lawful authority of any officer or agent of said Corporation, or of attempting to incite others to do so, or shall by gross or habitual misconduct exert a dangerous and pernicious influence over the girls so in charge, custody or guardianship of said Corporation, the said Corporation when such case arises may through its proper officers submit a written statement of the facts to the Court of General Sessions of the State of Delaware in and for New Castle County, or, if the said Court is not in session, to the Associate Judge resident in New Castle County, and apply for an order authorizing a temporary confinement of such delinquent in the New Castle County Work House."

Any inmate guilty of an attempt to set fire to any building, or to any combustible matter for that purpose, or of openly resisting the lawful authority of any officer or agent of said Corporation, or of attempting to incite others to do so, or shall by gross or habitual misconduct exert a dangerous and pernicious influence over the girls so in charge, custody or guardianship of said Corporation, the said Corporation when such case arises may through its proper officers submit a written statement of the facts to the Court of General Sessions of the State of Delaware in and for New Castle County, or, if the said Court is not in session, to the Associate Judge resident in New Castle County, and apply for an order authorizing a temporary confinement of such delinquent in the New Castle County Work House.

Term of confinement in Work House may be extended by Court.

"The said Court or Judge shall forthwith inquire into the facts, and if it appears that the allegations in said statement are substantially true, and that the ends desired to be accomplished by the said Corporation will be best promoted thereby, the Court or Judge shall make an order authorizing the confinement of such delinquent in said Work House for a time to be limited and expressed in the order; and the Board of Trustees of said Work House shall receive such delinquent and detain her during the time expressed in such order."

"At the expiration of the time limited, or sooner if the

OF REFORM SCHOOLS.

said Court or Judge shall so order upon a further application, the Board of Trustees of said Work House shall, with the assent of said Corporation, return such delinquent to the charge, custody or guardianship of the said Corporation." At expiration of term of confinement to be returned to Corporation.

Section 5. That Chapter 637, Volume 19, of the Laws of Delaware be further amended by striking out all of Section 6 after the figure six in the first line of said Section and inserting in lieu thereof the following: "The said Corporation shall cause the girls under its charge to be instructed in the branches of useful knowledge adapted to their age and capacity, and in household employment, needlework and such other forms of industry as may be suited to their sex, age, strength and disposition, and as may be best adapted to secure their improvement and future welfare. The said Corporation shall have regard to the character of those to whom the girls are entrusted, either in private homes or elsewhere, that they may secure to them the benefits of good example, wholesome instruction, improvement in virtue and knowledge, and the opportunity to become intelligent, moral and useful members of society." Powers and duties of Corporation.

"The authority and duties conferred or imposed by this Act upon said Corporation may be exercised and discharged by said Corporation or by such of its officers, committees or agents provided for herein, or provided for in any by-laws, rules or regulations adopted by it, as shall be severally charged therewith."

Approved March 31, A. D. 1903.

OF VETERINARIANS.

CHAPTER 364.

OF VETERINARIANS.

AN ACT TO REGULATE THE PRACTICE OF VETERINARY MEDICINE AND SURGERY IN THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Establishment
of "State Board
of Veterinary
Medical Ex-
aminers."
Number of.
Qualifications.

Section 1. That a State Board of Examiners, known as the "State Board of Veterinary Medical Examiners," is hereby established, to consist of three members, each of whom shall, at the time of his appointment, have practiced veterinary medicine for at least five years immediately preceding such appointment, shall be a graduate of a reputable veterinary college or colleges and shall be of good standing in the veterinary profession. The members of the said board shall be appointed by the Governor of the State of Delaware for terms of three years, beginning on the first Monday in June after their appointment, and shall continue in office until their successors are appointed and duly qualified. All vacancies in said board, however happening, shall be filled by appointment by the Governor for a full three years term, beginning with the date of such appointment. On the expiration of the terms of any appointees to said board, the Governor shall appoint successors to said members whose terms thus expire, so that at all times the board may have a full complement of membership.

How appointed.
Term of office.

Vacancies.
How filled.

First meeting
of board.

Election of
officers.

By-laws.

Section 2. The first meeting of said State Board of Veterinary Medical Examiners shall be held on the first Monday in June, A. D. 1903, at an hour and place to be mutually agreed upon by the members of said Board. At said first meeting of said board an organization shall be effected by the election from their own membership of a President, Secretary and Treasurer. Said Board shall have power, from time to time, to adopt such by-laws and regulations as they may deem expedient to carry into effect the provisions of this Act.

OF VETERINARIANS.

Section 3. Said Board of Veterinary Medical Examiners shall hold at least two specified meetings in each year for the examination of proposed practitioners of veterinary medicine and surgery in the State of Delaware. Said Board shall give public notice by advertisement in one or more newspapers published in the City of Wilmington in said State, of the time and place of holding such examinations. Said Board may, in its discretion, hold other meetings for the purpose of making such examination at any time within its discretion upon giving like public notice. At said meetings for the holding of such examinations a majority of the members of the Board shall constitute a quorum thereof for the purpose of such examination. By the appointment of said Board any member thereof may be appointed a committee of one to hold such examinations, provided that in every case the said examinations shall be passed upon by at least a majority of said Board. Said examinations may be either written or oral, or both, in the discretion of said Board, and shall cover and include such subjects related to veterinary medicine as said Board shall, by its by-laws, determine. Said Board shall also have power to examine and pass upon the genuineness and sufficiency of all diplomas which shall be presented to them by any applicants for license to practice veterinary medicine within the State of Delaware. When any applicant for license to practice veterinary medicine in this State shall have passed said examination therefore successfully, said Board shall forthwith issue to him a license to so practice. Such license shall be subscribed by the President and Secretary of the State Board of Veterinary Medical Examiners and be duly recorded in a book to be kept by said Board. Said Book containing the record of said license shall be a public record and open to public inspection by any citizen.

Meetings for examination of applicants.

Notice.

Majority a quorum.

Examinations.

License to practice.

To be recorded in public record.

Section 4. Any person proposing to take said examination shall make written application therefor to the Secretary of said Board, and shall accompany said application with satisfactory proof that said applicant is upwards of twenty-one years of age and of good moral character; that he has obtained a good common school education and has received a diploma conferring a degree of veterinary medicine and surgery from some legally incorporated veterinary college or colleges. In case of failure at any such examination, any applicant may, after the expiration

Applicants to make written application to Secretary of Board.

Qualification of applicants.

OF VETERINARIANS.

of six months and within a period of two years after the taking of such examination, have the privilege of a second examination by the said Board without the payment of any additional fee. Any practitioner of veterinary medicine and surgery who has practiced such profession for five years next prior to his application to said Board, ^{or who has been licensed to practice veterinary medicine} or who has been examined and licensed by the State Board of Veterinary Medical Examiners of any other State or country, may apply to said Board for said license, and upon payment of a fee therefor shall be granted said license without the examination aforesaid: Provided, that such applicants to said Board for said license without such examination shall submit, with their said application for said license to said Board, satisfactory proof of their having practiced veterinary medicine ~~within~~ ^{in this State} for said five years, or that said applicant has submitted to an examination substantially similar to that required by said State Board of Veterinary Examiners established by this Act.

Exemption
from exami-
nation.

*residing in this
State, which license
shall be of five
years after this Act shall
become a law*

License fee.

How expended.

Section 5. Every applicant for the license of said Board, whether he shall be examined as aforesaid or shall obtain his license without such examination as aforesaid, shall pay to said Board a license fee of ten dollars. Said money so obtained shall be devoted to the payment of the expenses of said Board, and should there be a surplus above said expenses, to the payment of a reasonable compensation, within the discretion of said Board, for the services of the members of said Board in their offices aforesaid.

Veterinarians of
U. S. Army
exempt from
penalties of
this act.

Provisions as to
veterinarians
of neighboring
States.

Violation of
act.

Section 6. Nothing in this Act shall be construed so as to interfere with or punish commissioned veterinarians of the United States Army, or any legally qualified veterinarian residing in other States or countries who may be called in consultation with any veterinarian of this State, or any veterinarian residing on the border of a neighboring State and duly authorized under the laws thereof to practice veterinary medicine and surgery, but whose practice may extend within the limits of this State, provided that such veterinarians shall not, without obtaining the license of this Board as aforesaid, open an office or appoint a place to meet patients or receive calls within the limits of the State of Delaware.

Section 7. Any person who shall, after the first day of January, A. D. 1904, within the limits of this State, practice veteri-

OF VETERINARIANS.

any medicine or surgery, without having the license of said State Board of Veterinary Medical Examiners, and contrary to the provisions of this statute, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any county of this State, shall pay a fine for the first offense of twenty-five dollars, and for every subsequent offense of one hundred dollars.

Misdemeanor.

Penalty.

*The Board hereby constituted shall, in case of the conviction of any person to whom it has issued a license under the provisions of this Act of a felony, or in case any such license shall, to the satisfaction of said Board, be shown to have become an habitual drunkard, have power to revoke the license so granted to such person.

May revoke
license of
habitual
drunkard.

Section 8. All Acts and parts of Acts inconsistent herewith shall be and are hereby repealed.

Section 9. Nothing in this Act shall be construed to interfere with or punish any farmer who treats his own or his neighbors' live stock.

Farmers
exempt.

Approved March 17, A. D. 1903.

*Printed as enrolled.

TITLE SEVENTH.

Of the Poor, The Insane; Deaf and Dumb, and the Blind.

CHAPTER 365.

OF THE TRUSTEES OF THE POOR.

AN ACT AUTHORIZING THE TRUSTEES OF THE POOR OF NEW
CASTLE COUNTY TO CONVEY CERTAIN REAL ESTATE SIT-
UATE IN THE CITY OF WILMINGTON.

Preamble.

Whereas, The Trustees of the Poor of New Castle County, a corporation of the State of Delaware, did on the twenty-seventh day of March, A. D. 1901, grant and convey unto John Craig, of the City of Wilmington, New Castle County aforesaid, a lot of land within the present limits of said City of Wilmington on the north side of Sixth street between Shipley and Orange streets, whereon is erected the building No. 105 West Sixth street, lately used as an office for said Trustees of the Poor of New Castle County, a corporation as aforesaid;

Preamble.

And Whereas, There is a grave doubt as to whether said Trustees of the Poor of New Castle County, a corporation as aforesaid, had any right, authority or power to sell and convey said lot of land as aforesaid;

Preamble.

And Whereas, It is the desire of the said Trustees of the Poor of New Castle County, and of the said John Craig, that all the right, title and interest of, in and to the aforesaid lot of land shall be conveyed to and become vested in the said John Craig, his heirs and assigns forever; now, therefore,

OF THE TRUSTEES OF THE POOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the Trustees of the Poor of New Castle County, a corporation as aforesaid, be and they are hereby authorized and empowered to convey all the hereinbefore described real estate situate in the City of Wilmington aforesaid, belonging to said corporation, unto the said John Craig, his heirs and assigns forever, and shall as soon as conveniently may be after the passage of this Act execute and deliver therefore a good and sufficient deed conveying the same to him the said John Craig in fee simple.

Trustees of the Poor of New Castle County to convey certain real estate.
To whom conveyed.

Section 2. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Section 3. This Act shall be a public Act and shall be published as such.

Approved March 23, A. D. 1903.

CHAPTER 366.

OF THE POOR.

AN ACT FOR THE RELIEF OF THE "SUNDAY BREAKFAST MISSION."

Whereas, The "Sunday Breakfast Mission," a corporation of the State of Delaware, was organized for general religious and charitable purposes and has no capital stock;

Preamble.

And Whereas, The work accomplished by said corporation is carried on by charitable bequests and legacies, and by voluntary contributions from private persons, which are insufficient for the purposes of said corporation; therefore,

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That any and all property now held or that

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OF THE POOR.

Property of
Sunday Break-
fast Mission
exempt from
taxation.

may hereafter be acquired in any manner by the said corporation, together with any and all gifts, devises, bequests or legacies to it in any manner hereafter given, are and shall be exempt from all taxes, assessments and abatements whatsoever for State, County, municipal or other purposes, so long as the same is held or used for the charitable and religious purposes for which the said corporation was instituted.

Section 2. This Act shall be deemed and taken to be a public Act and the power to revoke the same is hereby reserved to the General Assembly.

Approved March 31, A. D. 1903.

CHAPTER 367.

OF CHARITABLE INSTITUTIONS.

AN ACT TO EXEMPT FROM TAXATION THE LANDS, TENEMENTS AND HEREDITAMENTS AND PERSONAL ESTATE OF "THE FLORENCE CRITTENTON HOME OF THE STATE OF DELAWARE."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring herein) :

Property of The
Florence
Crittenton
Home exempt
from taxation.

Section 1. That all and every, the lands, tenements and hereditaments and also the personal estate of "The Florence Crittenton Home of the State of Delaware" (a corporation of the State of Delaware), which it now holds or which it at any time hereafter may acquire, shall be free from State, County and municipal taxes.

Approved March 24, A. D. 1903.

OF CHARITABLE INSTITUTIONS.

CHAPTER 368.

OF CHARITABLE INSTITUTIONS.

AN ACT TO EXEMPT FROM TAXATION THE LANDS AND TENEMENTS OF CHARITABLE HOMES AND HOMES OF REFUGE FOR REFORMED WOMEN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the lands, tenements and property, not exceeding in value in any one instance the sum of Twenty-five thousand dollars, of all incorporated homes or houses of refuge for reformed women maintained by charity in this State shall be exempt from all County and State taxation. Incorporated Homes of Refuge for Reformed Women exempt from taxation.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 24, A. D. 1903.

CHAPTER 369.

OF CHARITABLE INSTITUTIONS.

AN ACT TO EXEMPT CERTAIN LANDS AND TENEMENTS OF ALL CHARITABLE HOMES FOR INCURABLES FROM TAXATION FOR COUNTY PURPOSES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That lands and tenements to the value of Fifteen thousand dollars owned by any corporation or association

OF CHARITABLE INSTITUTIONS.

Charitable
Homes for In-
curables ex-
empt from
taxation

which is used wholly or in part for charitable Homes for Incurables, shall be and the same are hereby declared to be exempt from all taxes, assessments, burdens or impositions whatsoever for county purposes.

Approved March 24, A. D. 1903.

CHAPTER 370.

OF THE DEAF, DUMB AND BLIND.

AN ACT TO AMEND CHAPTER 375, VOLUME 15 OF THE LAWS OF DELAWARE, ENTITLED "AN ACT FOR THE RELIEF OF THE IDIOTIC CHILDREN OF THE STATE OF DELAWARE."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 2 of Chapter 375, Volume 15, of the Laws of Delaware is hereby amended by striking out all of said Section and inserting in lieu thereof the following:

Governor to
have power to
remove in-
digent pupils.

"Section 6. That whenever it shall appear to the Governor from the report of the President of the Board of Trustees of the State Hospital at Farnhurst required to be made under Chapter 838, Volume 19, of the Laws of Delaware (Revised Code, 390), that any indigent pupil has received all the benefits and advantage that can be derived from the training and discipline of said school, he may direct the Superintendent of such institution to discharge such child. And the Governor shall have power to appoint some suitable person to visit such school, receive any child so discharged and deliver the same to such persons in this State as may be entitled to the custody thereof; and if there be no such persons then to the Almshouse of the county to which said child was accredited.

May appoint
suitable person
to receive child
discharged and
deliver same to
proper
custodian.

Warrant for
expenses.

"And the Governor is hereby authorized to draw his warrant upon the State Treasurer for the expenses incurred in the removal of any child so discharged."

Approved March 24, A. D. 1903.

TITLE EIGHTH.

Of the General Police.

CHAPTER 371.

OF TAVERNS.

AN ACT TO AMEND CHAPTER 418, VOLUME 14, LAWS OF DELAWARE, CHANGING THE TIME AND MANNER WHEN APPLICANTS FOR THE SALE OF INTOXICATING LIQUORS SHALL MAKE OATH TO SUCH APPLICATION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That in paragraph 4 of Section 10 in said Chapter, the words "in open Court" in the first line thereof be stricken out and between the words "Oath" and "in" in the second line thereof the following words be inserted: "before the Clerk of the Peace."

Change of time and manner in application for sale of intoxicating liquors. Oath, when and where taken.

Approved April 7, A. D. 1903.

OF FISH, OYSTERS AND GAME.

CHAPTER 372.

OF FISH, OYSTERS AND GAME.

AN ACT FOR THE PROTECTION OF BLACK BASS, IN THE FRESH-WATER STREAMS AND THE LAKES OR PONDS, WITHIN THE JURISDICTION OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Unlawful to fish
for black bass.

Section 1. That from and after the passage of this Act, it shall be unlawful to fish for Black Bass, in any of the fresh-water streams and lakes of Delaware with net, or any other device, except with rod, hook and line, or with hand line upon which may be fastened not more than three hooks. Any person violating this provision shall, upon conviction, as provided in Section 4 of this Act, be subject to a fine of fifteen dollars.

Exception.

Fine.

Time for catch-
ing black bass.

Section 2. That from and after the passage of this Act it shall be unlawful to catch or fish for, or have in possession, the same being killed, any Black Bass except from the first day of March until the first day of June, inclusive, in each year. Any person violating this section shall, on conviction as provided in Section 4 of this Act, be subject to a fine of five dollars for each and every fish so caught.

Fine.

Size of fish.

Section 3. That from and after the passage of this Act, it shall be unlawful to catch and kill, or have in possession, the same being killed, any Black Bass less than seven inches in length. Any person violating this section shall upon conviction, as provided in Section 4 of this Act, be subject to a fine of five dollars for each and every fish so caught or discovered.

Fine.

Justice of the
Peace to have
jurisdiction.

Section 4. That from and after the passage of this Act, any Justice of the Peace, upon information or complaint made before him by affidavit of one or more persons, charging any person or persons with having violated any of the provisions of this Act, is hereby authorized and required to issue his warrant, under his

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hand and seal, *direction to any constable, police officer, or warden, to cause such person or persons to be arrested and brought before such justice, who shall hear and determine the guilt or innocence of the person or persons so charged; who, if convicted upon such charge, shall be sentenced by said Justice of the Peace, to pay the fine or fines, penalty or penalties provided in this Act ^{Penalty.} for such violations, together with the costs of suit; one-half of which fines and penalties shall be paid to the informer, and the other half shall be paid to the Treasurer of the County in which the prosecution shall be made, to be utilized for the benefit of the said County. Provided that this defendant or defendants shall neglect to pay at once, the fine or fines as imposed, such defendant or defendants shall forthwith be sentenced to undergo imprisonment in the County Jail of the County where such conviction takes place, for the period of one day for each dollar of fine so imposed and unpaid. ^{Fine for neglect to pay.}

Approved March 31, A. D. 1903.

 CHAPTER 373.

OF FISH, OYSTERS AND GAME.

AN ACT FOR THE BETTER PROTECTION OF FISH IN THE WATERS OF THE CHESAPEAKE AND DELAWARE CANAL AND ITS FEEDERS IN NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the approval of this Act it shall not be lawful for any person or persons to use any seine, ^{Fishing other than with hook and line prohibited.} mesh net, or any device whatsoever for the destroying or catching fish within the waters of the Chesapeake and Delaware Canal or its feeders; provided, however, that nothing in this Act shall be construed to prevent any person or persons fishing with hook and

*Printed as enrolled.

OF FISH, OYSTERS AND GAME.

line. The Canal Company reserves the right of fishing in the locks at Delaware City and the locks at St. George's.

Violation of
act a misde-
meanor.

Penalty.

Section 2. That any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace of the State of Delaware in and for New Castle County shall be subject to a fine of not less than ten dollars nor more than fifty dollars, one-half of which shall be paid to the informer, if such fines are not paid, then such person or persons shall undergo an imprisonment of the County Jail for not more than ten days.

Approved April 16, A. D. 1903.

CHAPTER 374.

OF FISH, OYSTERS AND GAME.

AN ACT TO AMEND CHAPTER 145, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT TO PREVENT CARP FISHING IN THE DELAWARE BAY AND ITS TRIBUTARIES DURING THE MONTHS OF JUNE, JULY, AND AUGUST OF EACH YEAR," BY EXTENDING THE TIME OF THE CLOSE SEASON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Time of close
season ex-
tended.

Section 1. That Section 1 of Chapter 145, Volume 22, Laws of Delaware, be and the same is hereby amended by inserting in the fifth line of said Section 1 of said chapter and volume between the word "of" and the word "June," the word "May."

Approved April 16, A. D. 1903.

OF FISH, OYSTERS AND GAME.

CHAPTER 375.

OF FISH, OYSTERS AND GAME.

AN ACT APPROPRIATING CERTAIN FUNDS OF THE STATE TO BE
EXPENDED IN THE PROPAGATION OF STURGEON.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Section 1. That the Commissioner of Fish and Fisheries be and he is hereby authorized, and it shall be the duty of said Commissioner, to procure a suitable building to be used as a hatchery, and all necessary articles and things whatsoever for the propagation and increase of sturgeon to be distributed in the waters of this State.

Fish Commissioner to secure suitable building for hatchery for sturgeon.

Section 2. That for the purpose of carrying into effect the provisions of this Act the sum of twelve hundred dollars is hereby appropriated for the year ending December 31st, A. D. 1903, and the further sum of eight hundred dollars is hereby appropriated for the year ending December 31st, A. D. 1904; and the State Treasurer is hereby directed to pay the same from the General Fund, from time to time, on the requisition of the Commissioner of Fish and Fisheries, who shall certify that the sum is actually necessary for the purposes as set forth in this Act. The said Commissioner of Fish and Fisheries shall annually in the month of December, make to the Governor, a report of all moneys coming to said Commissioner's hands under the provisions of this Act, which said report shall also include a list of the disbursements of said moneys with complete vouchers therefor attached.

Appropriation.

Report of expenditure of, to Governor.

Approved March 31, A. D. 1903.

OF FISH, OYSTERS AND GAME.

CHAPTER 376.

OF FISH, OYSTERS AND GAME.

AN ACT TO REPEAL CHAPTER 463, VOLUME 20, LAWS OF DELAWARE, ENTITLED "AN ACT FOR THE PROTECTION OF STURGEON."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 463,
Volume 20,
repealed.

Section 1. That Chapter 463, Volume 20, Laws of Delaware, be and the same is hereby repealed.

Approved March 9, A. D. 1903.

CHAPTER 377.

OF FISH, OYSTERS AND GAME.

AN ACT TO AMEND CHAPTER 464, VOLUME 20, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT FOR THE PROTECTION OF OYSTERS IN MURDERKILL RIVER AND IN ST. JONES' RIVER," PASSED AT DOVER, MAY 12TH, 1897, BY PROVIDING THAT THE TIME TO TAKE OR CATCH OYSTERS IN MURDERKILL RIVER AND IN ST. JONES' RIVER BE CHANGED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 464, Volume 20, Laws of Delaware, being an Act entitled "An Act for the protection of oysters in Murderkill River and in St. Jones' River," passed at Dover, May 12, 1897, be and the same is hereby amended by striking out all

OF FISH, OYSTERS AND GAME.

of Section 1 of said Act and inserting in lieu thereof the following, which shall be Section 1 of said Act, "That it shall not be lawful for any person or persons to take or catch any oysters for any purpose whatsoever from Murderkill River or from St. Jones' River at any time between the first day of April and the first day of October in any year."

Time of catching oysters in Murderkill and St. Jones' Rivers changed.

Approved March 31, A. D. 1903.

CHAPTER 378.

OF FISH, OYSTERS AND GAME.

AN ACT FOR THE PROTECTION OF RACCOONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That from and after the passage of this Act it shall be unlawful for any person in New Castle County to hunt, take, kill or destroy, sell or expose for sale, or have in his or her possession after the same has been killed any raccoon before the first day of October, nineteen hundred and three, and from and after the fifteenth day of February, nineteen hundred and four, it shall be unlawful to hunt, take, kill or destroy, sell or expose for sale after the same has been killed, any raccoon except between the first day of October and the fifteenth day of February next following in each and every year hereafter.

Unlawful to hunt &c., raccoon in New Castle County except from October 1 to February 15.

Section 2. That if any person shall be found within New Castle County hunting, taking, killing or destroying, selling or exposing for sale, or having in his or her possession after the same has been killed, any raccoon, except as above prescribed, such person shall be deemed guilty of a common nuisance, and upon conviction thereof before any Justice of the Peace in this State shall be fined Ten Dollars for each and every such offense.

Penalty for hunting, &c.

Section 3. That the Justices of the Peace shall have plenary jurisdiction of all offenses against the provisions of this

Justices of the Peace to have jurisdiction.

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Penalty for
nonpayment of
fine and costs.

Fines, when
collected, how
applied.

Act, and upon affidavit made that a person has violated the same, it shall be the duty of any Justice of the Peace in the county forthwith to issue his warrant, directed to the sheriff or any constable in the county, commanding him to arrest the person so charged and bring him forthwith before such Justice for trial, and if upon such trial the said Justice shall find that the person arrested has violated any of the provisions of this Act, and such person shall fail to pay forthwith the fine imposed by said Justice in accordance with the provisions of this Act, together with the costs of the prosecution, such person shall be committed by said Justice to the custody of the Trustees of the New Castle County Work House for thirty days, unless said fine and costs be sooner paid. All fines collected under the provisions of this Act shall be paid one-half to the informer and one-half to the use of New Castle County.

Approved March 23, A. D. 1903.

CHAPTER 379.

OF FISH, OYSTERS AND GAME.

AN ACT FOR THE PROTECTION OF MUSKRATS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Musk rats;
when not to be
caught.

Conviction for.

Penalty.

Section 1. That it shall be unlawful for any person within this State to take, kill or capture by any means whatever, any muskrat or muskrats during the time of any flood or freshet, when such flood or freshet may cause any muskrat or muskrats to leave their usual and accustomed places of shelter and protection; and any person so offending against the provisions of this Act shall be deemed guilty of a common nuisance, and upon conviction thereof before any Justice of the Peace in this State shall be fined five dollars for each and every muskrat so taken, killed or captured; and if such person shall fail or refuse to pay such fine and costs, the said Justice shall forthwith commit

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him to the custody of the Sheriff until the same shall be paid. To apply only to Kent County.
 This Act shall not apply to New Castle or Sussex County.

Approved April 7, A. D. 1903.

CHAPTER 380.

OF ROADS AND BRIDGES.

AN ACT TO PROVIDE FOR THE PERMANENT IMPROVEMENT OF
THE PUBLIC HIGHWAYS IN THE STATE OF DELAWARE.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Section 1. The Governor shall appoint three competent Governor to appoint three persons to be known as "Delaware State Highway Commissioners." persons,* "one of whom shall be a resident of each County in this State," to serve as, and be known as the Delaware State Highway Commissioners. Their terms of office shall be so arranged and designated by the Governor at the time of their appointment that the term of one member shall expire in one Terms of office. year, one member in two years, and one member in three years from the first day of January, A. D. 1903. The full term of office of each member thereafter shall be for three years and until his successor is appointed, and all vacancies occurring shall be filled by the Governor. All appointments made by virtue of and under the provisions of this Act shall be referred to the Senate of the State of Delaware for confirmation as required by To be confirmed by Senate. the Constitution.

They shall each receive in full compensation for their services an annual salary of One Thousand Dollars (\$1000), payable in twelve equal monthly instalments, by the State Treasurer out of any moneys appropriated by the General Assembly for the salaries of State officers. Compensation.

They shall before entering upon their duties of their office and within ten days after their appointment make oath or af-

*Printed as enrolled.

OF ROADS AND BRIDGES.

Bond. firmation before a Judge of the Superior Court of this State and execute a bond with sureties approved by the said Judge in the sum of Five Thousand Dollars (\$5000) each for the faithful performance of all duties connected with their office as the same are or may hereafter be lawfully defined. They shall

To be provided with offices. be provided with an office in the State House or some other suitable place in Dover, with sub-offices in Wilmington and Georgetown, if deemed necessary by the said State Commissioners, in which the records of their said office shall be kept. They may establish rules and regulations for the conduct of business and for the carrying out of the provisions of this Act.

Duties and powers of Commissioners. Section 2. The said State Commissioners shall forthwith proceed to investigate and consider the best and most practical methods of construction and maintenance of highways and the estimated cost of the various methods and systems. They shall prepare suitable maps and plans on which shall be clearly drawn the various routes they recommend. They may employ experts from time to time and all necessary clerical and other assistants, and may incur such reasonable expense in this regard from time to time as may be authorized or approved by the Levy Court of the particular county in which said expense is incurred. They shall from time to time estimate the amount of expense required, and shall submit the same to the said Levy Court of the county as aforesaid for its approval, and no expense shall be incurred by the State Commissioners beyond the amount so estimated and approved. They shall, after due notice, hold at least one public meeting annually in each county in this State, for the purpose of giving advice upon and discussing freely all matters pertaining to public highways.

Commissioners to keep records and prepare biennial report to General Assembly. Section 3. The said State Commissioners shall keep a record of all proceedings, orders, petitions, plans, specifications, and full and complete accounts of all money expended by the State or Counties or Hundreds or property owners for the improvements of any highway or section thereof under the provisions of this Act, and they shall prepare a biennial report of all their doings, together with any suggestions or recommendations they may deem desirable, and shall submit the same to the General Assembly during the first ten days of each regular biennial session thereof.

They shall certify to the State Treasurer and to the Levy

OF ROADS AND BRIDGES.

Court of the County in which any highway or section thereof is improved under the provisions of this Act an itemized account of all money expended under the provisions of this Act, and shall draw their warrant upon the said State Treasurer for a sum equal to one-half of the cost of the construction of said highway or section thereof, (this being the portion of said cost to be paid by the State under the provisions of this Act as hereinafter stated) and they shall certify to the Levy Court of the particular County as aforesaid, the said County's share of the said cost as hereinafter provided, and no money shall be paid out by the said State Treasurer or by the Levy Court of any of the Counties under the provisions of this Act until said certificate of expense has been filed, and said warrant so drawn by the said State Commissioners.

To certify to State Treasurer itemized account of expenditures.

Section 4. Whenever the Levy Court of any County in this State shall, by resolution, have declared their intention to cause any particular highway or section thereof, within said County to be improved under the provisions of this Act, a certified copy of such resolution shall be forthwith submitted to the said State Commissioners and it shall thereupon become the duty of the said State Commissioners to make and they are hereby directed to have such surveys and plans of said highway made as provided in Section 2 of this Act, and submit the same to the said Levy Court of the particular County in which the said work is to be done, together with their recommendations thereon, and if approved by the said Levy Court, after having been recommended and approved by the said State Commissioners, then the said State Commissioners shall proceed as soon as may be with said work and improvement, in accordance with the plans and specifications as approved by the said State Commissioners and also by the said Levy Court as aforesaid.

Resolution of Levy Court to improve road to be certified to Commissioners.

Commissioners to have surveys and plans made to be submitted to Levy Court.

If the said State Commissioners shall disapprove said resolution after due and careful consideration they shall certify their reasons therefore fully in presenting the same to the Levy Court in each case, and in no case shall State aid be applied to the improvement of any highway or section thereof, under the provisions of this Act, unless approved by said State Commissioners and also approved by the said Levy Court of the particular County as aforesaid.

State aid not to be given against approval of Commissioners.

Section 5. After the reception of any such resolution by

OF ROADS AND BRIDGES.

Shall advertise
for bids for im-
provement of
highway.

the said State Commissioners and the approval of the same together with said plans and specifications both by the said State Commissioners and also by the Levy Court, as provided for in Section 4 of this Act, the said State Commissioners shall advertise for bids for the construction and improvements of the said highway according to the said plans and specifications (provided always that one-half the cost of constructing said highway or section thereof as the case may be, together with one-half the cost of the construction of all other highways, or sections thereof, which have been previously petitioned for and approved as provided for in this Act, upon which improvement has been made or is to be made in accordance with the provisions of this Act, does not exceed the appropriation made by the General Assembly for the carrying out of the provisions of this Act) for three successive weeks in two newspapers of the County, and in such other papers as they shall deem of advantage for securing fair competition, and such advertisement shall set forth the amount of bond or certified check required of each bidder for the good faith of his proposal, the place where the plans and specifications may be examined, and the time and place for the reception of bids.

All bills to be
accompanied
by bond for
faithful per-
formance of
work.

Every bid thus received shall be accompanied with a bond signed by the bidder, with one or more sureties satisfactory to the State Commissioners and also to the said Levy Court, as aforesaid, or a certified check upon some reliable bank or banking institution, in such sum as the said State Commissioners and the said Levy Court may determine, and conditioned that if the contract shall be awarded to the said bidder he will, when required by the said State Commissioners, execute a proper agreement with surety, as hereafter provided, for the faithful performance of said contract according to the said plans and specifications when the first bond or certified check may be returned to the bidder. All bids so submitted shall be publicly read at a meeting of the Levy Court at the time and place for opening the same as stated in said advertisement and referred to the said State Commissioners and also to the Levy Court for their final approval.

Bills to be
publicly read.

Rejection of
bids.

The said Levy Court or State Commissioners may reject any or all bids if in their opinion good cause exists therefor, but otherwise the said Levy Court shall award the contract to the lowest responsible bidder. The successful bidder shall give satis-

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factory evidence of his ability to perform the contract and shall also furnish a bond for one-third of the amount of the cost of the construction of the work, conditioned that the work shall be performed in accordance with the plans and specifications and terms of the contract, as hereinbefore provided, said bond also to be an indemnity against any direct or indirect damages that may be suffered or claimed during the construction of said highway or section thereof, and until the same shall be duly accepted as herein provided.

Successful bidder to give bond.

In no case shall the State of Delaware or any County thereof be liable for any damages claimed or suffered in such case.

Section 6. Separate specifications for the improvements of the highways or sections thereof, under the provisions of this Act, shall be made for macadam, telford, gravel, oyster shells or other good firm materials, which will at all seasons of the year be firm, smooth and convenient for travel.

Specifications.

Such specifications shall be the standard for the manner in which work must be done in using the different classes of material as may be elected for the highways so to be improved.

The permanent roadways of all highways improved under the provisions of this Act shall not be less than twelve (12) nor more than sixteen (16) feet between the shoulders, and a minimum width of the right of way shall be thirty-three (33) feet, except in the case of roads already existing.

Width of road improvement.

Section 7. Partial payments may be made on account of said contracts provided for under this Act and paid in the manner herein prescribed when certified to by the said State Commissioners not exceeding eighty per centum of the full value of the work done prior to said payment; and in every contract made as aforesaid it shall be specified that at least five percentum of the contract price shall not be paid to the contractor within the period of one year after the work specified to be done by such contract shall have been fully performed and accepted by the said Levy Court and the State Commissioners; and all said contracts entered into under the provisions of this Act, shall provide for the full maintenance and keeping in repair of all highways or sections thereof as built under said contract or contracts, for the period of one year from the date of completion and acceptance at the entire cost of the contractor.

Payments, partial on account of contracts.

Five per cent of contract price not to be paid within one year.

OF ROADS AND BRIDGES.

President of
Levy Court to
execute con-
tracts in
triplicate.
Contracts to be
filed.

Section 8. All contracts made under the provisions of this Act, shall, on behalf of the Levy Court of the particular County in which the work is to be done, be executed by the President thereof; each contract shall be executed in triplicate, one copy to be filed with the State Treasurer, one with the said State Commissioners, and one with the Comptroller of New Castle County, in case such work is to be done therein, or if in either Kent or Sussex Counties with the Clerk of the Peace of said Counties, before any work under said contract is begun.

Decision of
Commissioners
in matters of
contracts to be
final.

Section 9. After the contract has been filed as hereinbefore provided the said State Commissioners shall take entire charge of the work done under said contract and their decisions upon all matters pertaining to said contracts shall be final.

To appoint
Supervisor.

They shall as soon as practicable appoint a supervisor of the construction of the work under such contract, who shall receive for his services under this Act, three dollars (\$3.00) per day to be paid out of the County Treasury of the County in which said work is done.

Commissioners
may remove
Supervisor.

The said State Commissioners shall then appoint any person whom they may consider competent for such position; the said State Commissioners may, however, at any time summarily discharge any supervisor who in the judgment of the said State Commissioners is incompetent or who neglects his duty, and in such case shall appoint a new supervisor to take the place of the one so discharged; the supervisor shall supervise all work done under said contract; shall give his whole time thereto, shall require the provisions of the contract to be strictly adhered to by the contractor, and in any case where the contract provided for partial payments during the progress of the work he shall also, as each payment becomes due, and before payment shall be made, present to the Levy Court and to the said State Commissioners a certificate, and also a certificate of the surveyor or engineer, if any there be, stating as near as may be the total amount of work done, and that such work has been done in all respects as required by the contract; the Levy Court of each county shall have power to appropriate such sums of money for the purpose of carrying on such work as may from time to time become necessary; and when the work shall be fully completed, and the terms and conditions of the contract shall have been fully complied with, and such facts shall have been cer-

Duty of
Supervisor.

OF ROADS AND BRIDGES.

tified to the said Levy Court and the said State Commissioners to their satisfaction by the supervisor and the surveyor and engineer, if any there be, payment in full shall be made, less the amount required to be withheld for the period of at least one year, as in Section 7 of this Act is specified; and when the work under any contract shall have been fully completed, it shall be the duty of the supervisor to prepare a detailed and itemized statement in duplicate of the cost of the improvements, one copy whereof shall be filed with said Levy Court and one with the said State Commissioners.

Payment on contracts.

Section 10. One-half of the cost of all highways constructed in this State under this Act shall be paid for out of the State Treasury; Provided, that the amount so paid shall not in any one year exceed the sum appropriated by the General Assembly for such purpose; if one-half of such cost shall appear by the statements filed in any one year with the said State Commissioners to exceed the sum appropriated as aforesaid, then, and in such event, the sum so appropriated shall be apportioned by the said State Commissioners amongst the counties of the State in proportion to the cost of roads constructed therein for such year, as shown by the statements of cost filed in the office of the State Commissioners as is deemed equitable and just by said Commissioners; the said State Commissioners shall "between June fifteenth and thirtieth and also"* between December fifteenth and thirty-first, in each year, certify to the State Treasurer the amount to be paid to each county for such half-year, and the said State Commissioners shall thereupon draw their warrants in favor of the respective counties for the sums certified as aforesaid upon the State Treasurer (as provided in Section 3 of this Act), who shall pay the same out of any moneys in the State Treasury appropriated to the purposes of this Act.

One-half of cost of road to be paid by State. Not to exceed sum appropriated.

Warrants to be drawn by Commissioners.

Section 11. On or before June thirtieth in each and every year, it shall be the duty of the Levy Court of each county to ascertain one-half of the estimated cost of all work for which contracts shall have been awarded under this Act during such year, and the said Levy Court shall include the sums so ascertained in the annual tax budget for the succeeding year as a part of the fund necessary to be raised by general taxation for the succeeding year as aforesaid. If a deficiency shall exist in consequence of the cost exceeding the estimate, or in consequence

Levy Court to ascertain one-half of estimated cost on contracts awarded, and include such sum in annual tax budget, for succeeding year.

*Printed as enrolled.

OF ROADS AND BRIDGES.

of the receipt of less than one-half of the cost from the State Treasury, the Levy Court may borrow money on temporary loans. to the amount of such deficiency until the next annual taxes shall be assessed, collected and paid over to the county; and if there be a surplus in consequence of the cost being less than the estimate, such surplus shall be retained and used in the construction of other highways under this Act, or in repairs to highways constructed under this Act.

All roads improved under this act to be county roads, and under control of Levy Court.

Levy Court to appoint County Supervisor.

Bond of.

Salary of.

Duty of County Supervisor.

Section 12. Any road constructed under the provisions of this Act, except within the limits of any city, shall forever thereafter be a County Road, and the duty of keeping the same in repair, except within the limits of any city, shall devolve upon the Levy Court and the County Supervisor hereinafter mentioned, and all other powers and duties respecting such roads, except within the limits of any city, shall be imposed upon and vested in the said Levy Court to the exclusion of all hundred, borough or other municipal officers, excepting city officers; after the first highway shall have been constructed under this Act in any county, it shall be the duty of the Levy Court to appoint a county supervisor of roads, who shall hold his office for four years and until his successor is appointed; he shall give bond to the Levy Court in the sum of one thousand dollars conditioned for the faithful performance of the duties of his office, with such sureties as the Levy Court may approve, and shall receive such salary or allowance as the Levy Court may fix; the Levy Court shall provide all moneys necessary to keep in a proper state of repair the roads constructed under this Act, except within the limits of any city, and may, if there be no moneys on hand that can be lawfully used for such repairs, borrow therefor on temporary loans until the next annual taxes shall have been assessed, collected and paid over to the county; it shall be the duty of the county supervisor to report to the Levy Court all repairs he may think necessary or proper to be made to such county roads, and under the direction and control of the said Levy Court to spend moneys raised for such repairs in such manner and upon such portions of the road as will tend to keep them in the best possible state of repair; no part of said money shall be paid into the hands of the said county supervisor, but all expenses of repairs shall be paid by the County Treasurer on the order of the Levy Court, granted only on the presentation of bills verified and approved in New Castle County

OF ROADS AND BRIDGES.

by the County Comptroller; it shall be the duty of the authorities of any city within which any portion of any highway may be constructed under the provisions of this Act to keep the portion thereof within such city in repair forever after such construction, and such city shall have the same power, authority and jurisdiction over such portion of such road, and shall have imposed upon it the same duties as were imposed upon and vested in it with respect to such portion of such road before its improvement under the provisions of this Act.

*Section 20. That if any property owner or owners along any highway in any county of this State which has not been improved or is not undergoing improvement under the previous sections of this Act, shall desire any section of any road in such county to be improved, and are or is willing to contribute the whole expense of such improvement, they, he or she shall provide at their, his or her own expense a plan of such section of highway so to be improved, in which shall be given the levels and distances, and all specifications, which shall state the materials which shall be used and the manner of using them; and a copy of such plan, specification and of any bids to do such work shall then be submitted by such owner or owners to the State Commissioners and by said Commissioners shall be submitted to the Levy Court of the particular county as in case of other plans and specifications as hereinbefore provided for, and if said Commissioners and Levy Court shall approve them, it shall then be lawful for such owner or owners to accept any bid or bids so approved from among the bidders, and proceed to build such section of road according to such plans and specifications, and such owner or owners shall have control of the expenditure of the moneys used to make such improvement, subject to the approval and supervision of the supervisor of such county; and upon the completion of the improvement to the satisfaction of the said supervisor and the said State Commissioners and Levy Court, and upon the submission to the said Levy Court of receipts showing full payments for materials furnished and work done under the plans and specifications, such section of highway so improved shall thereafter be a County highway.

Manner in which property owners may take action.

Section 21. This Act shall take effect immediately.

Approved April 14, A. D. 1903.

*Printed as enrolled.

OF ROADS AND BRIDGES.

CHAPTER 381

OF ROADS AND BRIDGES.

AN ACT PROVIDING FOR THE CONDEMNATION OF TURNPIKE
ROADS AND MAKING THE SAME PUBLIC HIGHWAYS.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Section 1. That whenever ten or more residents of any county in this State shall petition the Court of General Sessions of their county representing that any turnpike road heretofore or hereafter constructed, upon which tolls are, or have heretofore been charged the traveling public under any general or special law, is located wholly or in part in their County, and is out of good order and repair and that it would be for the best interests of the people of their County for such turnpike road or any part thereof, to become a public road, free from tolls and toll-gates, it shall be the duty of such Court of General Sessions, to appoint a jury of view, consisting of five suitable persons of the petitioner's County, to view and condemn such turnpike road, or part thereof, for public uses, free from tolls and toll-gates, and to assess the damages therefor, to which the owner or owners thereof and the persons owning or holding land through or along which said turnpike road is constructed may be entitled; and may make return at the next term of the said Court, authorizing said five suitable persons to appoint, if necessary, a competent stenographer to keep a faithful record of all proceedings before the viewers, and also a surveyor, which said stenographer and surveyor shall respectively furnish a full copy of his notes to the said viewers, who shall attach the same to their return; Provided, however, that notice of the intended application for the appointment of such jury of view, shall be published in at least one newspaper of general circulation in the petitioner's county, for five days, at least one week previous to the time of making the application, which said publication shall be sufficient notice to all parties in any manner whatsoever interested.

Petition to the Court of General Sessions.

Court shall appoint a jury of view of five suitable persons to condemn such road.

May appoint surveyor and stenographer. Return.

Return.

Notice of application for jury of view to be published.

OF ROADS AND BRIDGES.

Section 2. In the event of the death of one or more of the persons named and appointed by the said Court to execute an order under the provisions of this act; or the neglect to serve for any cause, it shall and may be lawful for any one interested in the execution of the order, to apply to the Associate Judge resident in the petitioner's county, in which the order is issued, in vacation, first giving five days' notice in any newspaper of general circulation in the petitioner's county, for the appointment of some other person or persons to fill such vacancy or vacancies, and the said judge shall have full and ample authority to make such appointments.

Vacancy in persons named.

How filled.

Section 3. That before entering upon the discharge of their duties, the persons appointed pursuant to the foregoing sections of this Act, shall be severally sworn or affirmed, faithfully and impartially to perform the duties incumbent on them respectively. A majority of the viewers may do or determine any matter.

Jury to be severally sworn or affirmed.

Section 4. That the said jury of view, together with the stenographer and surveyor, if both or either be deemed necessary by the said viewers, shall go upon and inspect such turnpike road, and if the same be found to be out of good order and repair, and if in the judgment of the said viewers, it would be for the best interest of the people of their County, that such turnpike road, or any part thereof, should be made a public road, they shall condemn said turnpike road, or part thereof, and shall proceed to assess the damages to which the interested parties are entitled, and shall make their return to the said Court at the next term thereof, stating in addition to what is hereinbefore required, whether or not the entire turnpike road is located in the petitioner's County, and if not, what portion is so located, and whether or not it is for the best interest of the people of the petitioner's County for such turnpike road, or any part thereof, to be made free from tolls and toll-gates, and whether or not the same is condemned by such jury of view for public use as a highway, free from toll and toll-gates, and if the whole of said turnpike road, lying in the petitioner's County is not condemned, but only a part thereof, then such part shall be clearly designated and described, and a statement of the costs of said condemnation proceedings; and to which report shall be attached a map or draft of said turnpike road showing definitely the points between which the same is condemned

To inspect turnpike road.

May condemn the same.

Assessment of damages.

Return to court.

OF ROADS AND BRIDGES.

Report, if confirmed by court, to be entered on records of office of Clerk of the Peace. for public use, and if said return is confirmed by the said Court the said return shall be entered in the road records in the office of the Clerk of the Peace in the same manner as other returns of commissioners, for laying out new roads, or changing and widening the same are recorded.

Exceptions may be filed by aggrieved party and shall be heard by court.

Jurisdiction of court.

May make a review.

Section 5. That exceptions in writing may be filed by any party aggrieved to the return of such jury of view, within ten days from the time such report is filed, which exceptions shall be heard by the Court in which such return is filed, and the said Court, after considering such exceptions may refer such return back to the jury of view with instructions to take any further proceedings as the Court may deem necessary and proper, or may set the same aside, or may confirm such return, or may make an order of review and thereby appoint five suitable persons as a jury of view, to review the said turnpike road, and determine concerning the same, and make return at the next term of the said Court, after their appointment, granting them all the authority which was conferred by the first order, with similar instructions and directing them, if they approve the proceedings in the first order, or any part thereof, to adopt the same; and if no exceptions are filed to the return of any jury of view then such return shall be confirmed by the Court.

Compensation of members of jury of view.

Of surveyor and stenographer.

Paid by Levy Court.

Section 6. That each person serving on any such jury of view, shall be allowed the sum of three dollars for each day necessarily employed thereon, and the said jury shall fix the compensation of the stenographer and surveyor employed by them, all of which costs, together with the damages which shall be assessed as aforesaid, shall be paid by the Levy Court of the petitioner's County, immediately upon the confirmation or setting aside of the return of the said jury of view, as other claims against such county are paid; Provided, however, that if the jury of view shall condemn such turnpike road, then the person or persons filing exceptions thereto and making application for a review, shall pay the costs of the proceedings immediately preceding such application, before any such order shall be granted.

Confirmation of return to establish same as public road.

Section 7. That the effect of confirmation of a return of any jury of view condemning any turnpike road, or any part thereof, shall be to establish, as a public road, any such turnpike road, or part thereof so condemned and to settle the damages assessed.

OF ROADS AND BRIDGES.

Section 8. That when any turnpike road, or portion thereof, shall have been condemned, under the provisions of this act, for public use, free of tolls or toll-gates, and the assessment of the damages therefor, shall have been paid as hereinbefore provided, such turnpike road, or part thereof, shall be properly repaired and maintained at the expense of the county or hundred in which said turnpike road, or part thereof is located, as other public roads are by law repaired and maintained.

To be maintained there-after as public road.

Section 9. That if at any time any proceedings are instituted under the provisions of this Act any railway company shall have its rails and tracks laid along and upon such turnpike road and is engaged in the actual operation of such railway line whether operated by electricity or otherwise, steam power excepted, then in that event, the proceedings under this Act shall not in any wise affect the rights, powers and privileges of such railway company in, on and to said turnpike road, but all the rights, powers and privileges of such railway company in, on and to said turnpike road shall be preserved, secured and confirmed and this Act shall not in any wise be construed to curtail or diminish the rights, powers and privileges of such company, in, on and to such turnpike road. A railway company within the meaning of the provision of this section shall be construed to be a company on whose road the cars, carriages and coaches are propelled by electricity, by cable, motor or by any improved motor power other than steam.

Proceedings not to affect interest of any railway company thereon.

Approved March 16, A. D. 1903.

CHAPTER 382.

OF ROADS AND BRIDGES.

AN ACT IN RELATION TO ROADS AND BRIDGES PASSING OVER MILLDAMS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. Whenever any mill dam, or the dam of any other

OF ROADS AND BRIDGES.

Mill dams as part of public highway to be maintained at public charge in New Castle County.

Levy Court, duty of

Duty of owner or tenant.

Neglect of owner or tenant.

Fine.

Levy Court may repair.

Suit.

Apply only to New Castle County.

works using water power, shall be used as a public highway in connection with or as part of a road which is maintained at public charge, the road over such dam shall be deemed to be a public road, and shall be kept up and maintained as a public road of the County, in which the same may be situated. And it shall be the duty of the Levy Court of the County, in which said public road, or mill dam may be situated, to keep the same in good repair, in such manner and to such extent as may be necessary to furnish a safe and commodious roadway at least twelve feet wide, and protected by a fence on each side at least three feet and a half high. The owner and also the tenant of any mill or other works, having a race through a public road, or a dam on which a public road, as aforesaid, lies, or a pond so raised as to make a bridge necessary, shall make and keep any bridge in good repair, except only as to the upper planking and upper joists thereof, as aforesaid, which shall be furnished by the Levy Court of the County, in which the said bridge may be situated, and shall keep any water wheel exposed to view from the road, covered, and shall add at least four feet to the width of the said public road or mill dam, so that the entire width of the said public road or mill dam shall not be less than sixteen feet, provided that the character of the said bridge, the width and opening thereof, and the size and character of the material used in constructing the same, shall be subject at all times to the supervision and direction of the Levy Court of the County within the limits whereof the same are located.

If any owner, as aforesaid, being also the occupant, or any tenant, as aforesaid, shall neglect any duty hereby enjoined, he shall pay to any person injured thereby double damages and costs of suit, and he shall also be deemed guilty of a misdemeanor and shall pay a fine of twenty dollars. It shall be the duty of the Levy Court, as aforesaid, on information of such neglect, to repair such bridge or road, or cover such wheel, and the Levy Court as aforesaid shall be entitled to recover from the owners or tenant so neglecting double the cost of such repairs, for the use of the County, in which the same may be situated. And it shall be no objection to the suit, that there are other owners or tenants not joined. A tenant may deduct from his rent the cost of such repairs done by him.

Section 2. That this Act shall apply to New Castle County only.

OF ROADS AND BRIDGES.

Section 3. That all Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved April 9, A. D. 1903.

CHAPTER 383.

OF ROADS AND BRIDGES.

AN ACT TO AMEND CHAPTER 574, VOLUME 18, LAWS OF DELAWARE, RELATING TO THE EXPENDITURES OF ROAD TAXES IN BLACKBIRD HUNDRED, NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 574 of Volume 18, Laws of Delaware, be and the same is hereby amended by adding at the end of Section 2 thereof the following: "The said Road Commissioners shall not allow to any overseer of roads or other persons doing work on the roads and bridges of said Hundred and charges or item for work done on said roads or bridges between the said dates nor shall the Levy Court of New Castle County pass or allow any accounts of such Road Commissioners for such charges. No allowance for work between October and April.

Section 3. If the said Road Commissioners shall allow or pay any part of said sum for the making and repairing of roads and bridges in said Hundred between the dates aforesaid, they shall each be deemed guilty of a misdemeanor and upon conviction thereof shall forfeit and pay a fine of not less than ten dollars at the discretion of the Court." If allowance is made, a misdemeanor. Fine.

Approved March 24, A. D. 1903.

OF ROADS AND BRIDGES.

CHAPTER 384.

OF ROADS AND BRIDGES.

AN ACT PROVIDING FOR THE USE OF IRON PIPES FOR SMALL BRIDGES IN KENT COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Levy Court
Commissioner
to direct Road
Overseer to use
iron pipes in re-
pair of small
bridges in Kent
County.

Levy Court
Commissioner
to specify kind
and size of pipe.

Section 1. That whenever the Levy Court Commissioner for any Representative District in Kent County shall deem it advantageous or desirable to do so he may direct any Road Overseer in his district to use iron pipes in the construction or repair of any small bridges on the public roads of said district, specifying the kind and size to be used. And when so directed the said road overseer shall procure and use the kind and size of pipe thus specified and under the supervision of the said Levy Court Commissioner.

Approved April 2, A. D. 1903.

OF ROADS AND BRIDGES.

CHAPTER 385.

OF ROADS AND BRIDGES.

AN ACT TO AMEND CHAPTER 157, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING A SPECIAL TAX TO PROVIDE A SPECIAL FUND FOR THE PURCHASE OF OYSTER SHELLS FOR THE COUNTY ROADS OF THE FIRST ELECTION DISTRICT OF THE THIRD REPRESENTATIVE DISTRICT OF SUSSEX COUNTY," BY DECREASING THE RATE OF TAXATION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 1 of Chapter 157, Volume 22, of the Laws of Delaware be and the same is hereby amended by striking out in the sixth line of said Section 1 the following words and figures, "twenty cents (20)" and inserting in lieu thereof the following words, "five cents." ^{Rate of taxation decreased.}

Approved April 7, A. D. 1903.

OF ROADS AND BRIDGES.

CHAPTER 386.

OF ROADS AND BRIDGES.

AN ACT TO AMEND CHAPTER 500, VOLUME 20, LAWS OF DELAWARE, PASSED AT DOVER, MAY 14, 1897, ENTITLED "AN ACT TO AUTHORIZE THE LEVYING OF A SPECIAL TAX FOR SHELLING THE COUNTY ROADS OF BROAD CREEK HUNDRED, SUSSEX COUNTY," BY CHANGING THE AMOUNT OF SHELLS TO BE DISTRIBUTED ON SAID ROAD.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Rate of taxation
increased.

Section 1. That Section 1 of Chapter 500, Volume 20, Laws of Delaware, passed at Dover, May 14, 1897, entitled "An Act to authorize the levying of a special tax for shelling the County roads of Broad Creek Hundred, Sussex County, be and the same is hereby amended by striking out the word "ten" in the fifth line thereof and inserting in lieu thereof the word "twenty."

Roads on which
oyster shells
are to be dis-
tributed.

Section 2. That Chapter 500, Volume 20, Laws of Delaware, be and the same is hereby amended by striking out all of Section 3 of said chapter and volume and inserting in lieu thereof the following, which shall be and is Section 3 of said chapter and volume, "That the oyster shells hereafter bought and distributed for use as provided for under the provisions of this act shall be distributed annually as follows, viz.: four thousand bushels shall be used on the road from Laurel Bridge to Seaford, two thousand bushels shall be used on the road from Laurel to Bethel, three thousand bushels shall be used on the road from Laurel to Concord, four thousand bushels shall be used on the road from Laurel to Georgetown and on the prong of the road from Laurel to Georgetown leading to Chipman's Mill, two thousand bushels. When the said roads hereinbefore mentioned shall have been completely shelled then the annual distribution of shells on the afore-said roads shall be made on each of the said roads in such places and in such manner as will best serve the interest of the traveling public, and when these roads shall be completely shelled, then

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on such other roads in said Hundred as the Commissioners for ^{Other roads.} said Hundred or for the district in which said Hundred may be included shall designate.

Approved March 31, A. D. 1903.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 387.

GENERAL PROVISIONS.

AN ACT FOR THE REGULATION OF THE SALES OF STOCKS OF GOODS IN BULK.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Sale of Stock in whole or in part by merchants to be deemed fraudulent unless full inventory thereof be made and selling price in detail be had five days prior to sale.

Section 1. That a sale of any portion of a stock of merchandise otherwise than in the ordinary course of trade in the regular and usual prosecution of the sellers business or a sale of an entire stock of merchandise in bulk will be presumed to be fraudulent and void as against the creditors of the seller, unless the seller and purchaser together shall at least five (5) days before the sale make a full detailed inventory showing the quantity, and so far as possible, with the exercise of reasonable diligence, the cost price to the seller of each article to be included in the sale; and unless such purchaser shall at least five (5) days before the sale, in good faith, make full, explicit inquiry of the seller as to the names and places of residence, or places of business, of each and all of the creditors of the seller, and the amount owing each creditor, and obtain from the seller a written answer to such inquiries; and unless such purchaser shall retain such inventory and written answer to his inquiries for at least six months after such sale; and unless the purchaser shall at least five (5) days before the sale, in good faith, notify or cause to be notified, personally or by registered mail, each of the seller's creditors of whom the

Also purchaser to make diligent inquiry as to creditors.

GENERAL PROVISIONS.

purchaser has knowledge, or can with the exercise of reasonable diligence acquire knowledge, of said proposed sale, and of the said cost price of the merchandise to be sold, and of the price proposed to be paid therefor(e) by the purchaser.

Other duties of purchaser.

Section 2. That the seller shall at least five (5) days before such sale fully and truthfully answer in writing each and all of said inquiries and if such seller shall knowingly and willfully make or deliver, or cause to be made or delivered, to such purchaser any false or incomplete answer to such inquiries, said seller shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

Duty of seller to make truthful answer.

False answer a misdemeanor.

Section 3. That nothing contained in this act shall apply to sales by executors, administrators, receivers or any public officer conducting a sale in his official capacity.

This act not to apply to sales of executors, &c.

Approved March 24, A. D. 1903.

CHAPTER 338.

OF PRINCIPAL AND SURETY.

AN ACT AUTHORIZING CERTAIN TRUST COMPANIES IN THIS STATE TO GIVE BOND FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES, WITHOUT REQUIRING SUCH COMPANIES TO GIVE SURETY ON SUCH BONDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each House concurring therein) as follows:

Section 1. Whenever any court, judge or officer which or who may now or hereafter be authorized by law to appoint any person or corporation to any office of trust such court, judge or officer may, in its or his discretion, appoint to such office any Trust company incorporated under the laws of this State, and having its principal office or place of business in this State, pro-

Trust Company may be appointed to office of trust.

OF PRINCIPAL AND SURETY.

vided the said court, judge or officer shall be satisfied that the capital stock of such corporation shall have been fully paid in cash, and that such corporation is authorized by its charter to perform the duties of the said office.

May not require surety on bond.

Section 2. Whenever such corporation may be so appointed to such office of trust the court, judge or officer making the appointment may, in its or his discretion, not require the said corporation to give surety on any bond given by it for the faithful performance of its duties, but all of the capital stock, surplus and property owned by such corporation shall be specially and primarily liable for the obligation of the said corporation while acting in such trust capacity. And it is hereby further declared that all liabilities and obligations arising from or growing out of any such trusts shall be and are hereby made liens upon its real estate prior and paramount to any other lien or encumbrance the said corporation may create or suffer respecting the same.

Obligations arising from such trusts to be prior lien against said corporation.

Approved March 23, A. D. 1903.

CHAPTER 389.

OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT AUTHORIZING HONORABLY DISCHARGED SOLDIERS AND SAILORS TO FOLLOW THE OCCUPATION OF BOOK AGENT, WITHOUT PROCURING LICENSE THEREFOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Honorably discharged soldiers may peddle books without license.

Section 1. That from and after the approval of this Act by the Governor, no honorably discharged soldier or sailor shall be required to procure from the Clerk of the Peace of any County in this State, or from any other official whatsoever, any license to follow the occupation of canvassing for the sale of books, or the occupation commonly known as that of "Book Agent".

Section 2. That the certificate of honorable discharge of

OF RETAILERS OF GOODS AND PEDDLERS.

any such soldier or sailor as mentioned in Section 1 of this Act, shall be conclusive evidence of the right of such soldier or sailor to follow the occupation hereinbefore mentioned, without having procured a license therefor. Certificate of discharge evidence of right.

Approved March 23, A. D. 1903.

CHAPTER 390.

OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT TO AMEND CHAPTER 162, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT IN RELATION TO PEDDLERS WITHIN THE COUNTY OF NEW CASTLE, AND TO EXEMPT MANUFACTURERS AND FARMERS FROM PAYING PEDDLERS LICENSE."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Act entitled "An Act in relation to peddlers within the County of New Castle, being Chapter 162, Volume 22, Laws of Delaware, be and the same is hereby amended by adding thereto after Section 12, to read as follows:

Section 13. The provisions of this Act shall not apply to any manufacturer selling or peddling anything manufactured by him in this State, or to any person selling or peddling grain, provisions, provender or fruit, grown, prepared or raised upon the land of the person offering the same for sale, or any person selling or peddling milk or cream, or butchers regularly engaged in the peddling of meats. Not to apply to manufacturer as to his own products, or to farmers as to fruit, grain, milk, meat, &c.

Approved March 31, A. D. 1903.

OF LEGAL HOLIDAYS.

CHAPTER 39I.

OF LEGAL HOLIDAYS.

AN ACT PROVIDING THAT THE DAYS UPON WHICH THE GENERAL ELECTIONS ARE HELD IN THIS STATE SHALL BE LEGAL HOLIDAYS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Election Day to
be legal holi-
day.

Section 1. That the Tuesday next after the first Monday in the month of November in the year of our Lord one thousand nine hundred and four, being the day of the general election in that year, and the Tuesday next after the first Monday biennially thereafter being days of the general election in said years, be and the same are hereby made legal holidays in this State.

Notes, &c.,
payable on
Election Day to
be due and
payable on
secular day next
preceding.

Section 2. That from and after the approval of this Act, payment of all notes, checks, or other instruments negotiable by the laws of this State and becoming payable on any of the days of the said general election in this State, shall be deemed to become due and payable on the secular day next preceding that day on which secular days demand of payment may be made, and in case of non-payment or dishonor of the same, protest may be made and notice given in the same manner, and with like legal effect, as if such note, check, bill of exchange, or other instrument, fell due on the day of such demand, and the rights and liabilities of all parties concerned therein shall be the same as in other cases of like instruments legally proceeded with: provided that nothing herein contained shall be so construed as to render void any demand, notice or protest made or given as heretofore at the option of the holder, nor shall the same be so construed as to vary the rights or liabilities of the parties to any such instruments heretofore executed.

Approved March 24, A. D. 1903.

TITLE TENTH.

Of Corporations.

CHAPTER 392.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT TO AMEND CHAPTER 167, VOLUME 22, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT PROVIDING A GENERAL CORPORATION LAW," APPROVED MARCH 7TH, A. D. 1901.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each House of the General Assembly):

Section 1. That said Chapter 167 as printed and published in Volume 22, Laws of Delaware, entitled "An Act providing a General Corporation Law", be and the same is hereby amended by adding at the end of said Section 1 the following, viz. : "Corporations for constructing, maintaining and operating railroads, railways, telegraph or telephone lines outside of this State, may be formed under the general provisions of this Act, but corporations for constructing, maintaining and operating railroads or railways within this State shall be subject to the special provisions and requirements of this Act applicable to such Corporations."

Application of general and specific provisions as to railroads, railways, telegraph and telephone companies.

Section 2. That Section 5 of said Chapter 167 be and the same is hereby amended by inserting the word "union" after

Additional suffix to corporate title.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

the word "society", and before the words "or syndicate" in the 4th line of said Section.

Preferred stock to be provided for in charter.

Section 3. That Section 13 of said Chapter 167 be and the same is hereby amended by striking out all of said Section after the word "stock" in the 20th line of said Section, and by inserting in lieu thereof the following, viz.: "Unless its original or amended Charter or Certificate of Incorporation shall so provide, no Corporation shall create preferred stock. The terms "general stock" and "common stock" are synonymous".

Section 4. That Section 17 of Chapter 167 be and the same is hereby amended by striking out the word "election" in the 3rd line of said Section, and by inserting in lieu thereof the words "meeting of the stockholders".

Certificate of payment of capital stock to be filed upon written request of creditors or stockholders.

Section 5. That said Chapter 167 be and the same is hereby further amended by striking out all of Section 23 thereof, and by inserting in lieu thereof a new Section 23, which shall be and read as follows, viz.: "Section 23. The President with the Secretary or Treasurer of every Corporation organized under this Act shall upon the written request of any creditor or stockholder of such corporation make a certificate stating the amount of the installments or calls paid in cash or by the purchase of property, stating also the total amount of capital stock issued, which certificate shall be signed and sworn or affirmed to by the President and Secretary or Treasurer and they shall within thirty days after the making of such certificate or certificates cause the certificate to be filed in the office of the Secretary of State".

Corporation may purchase stock.

Section 6. That Section 36 of said Chapter 167 be and the same is hereby amended by striking out of lines 8 and 9 of said Section the following words "or be the holder or purchaser of any part thereof", and the words "or purchase".

Power of railroad company to widen lines.

Section 7. That Section 82 of said Chapter 167, be and the same is hereby amended by adding at the end of said Section the following, viz.: "It shall also be lawful for any railroad company of this State, whether created by prior special act or under this act, to straighten, widen or otherwise improve the whole or portions of its line or lines of railroad and the structures and appurtenances thereof, in such manner, and to such extent as its Board of Directors may determine upon, whenever, in the opinion of such board, the same may be necessary for better securing the safety of persons and property and increasing the fa-

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cilities and capacity for the transportation of its traffic, and to acquire all land and materials necessary therefor by agreement with the owner or owners, or, on failure to so agree, in the manner and by the proceedings prescribed in Section 81 of this Act”.

Section 8. That Section 114 of said Chapter 167 be and the same is hereby amended by striking out the word “points” in the 23rd line of said Section 114, and by inserting in lieu thereof the word “places”, and further that said Section 114 be and the same is hereby further amended by striking out of lines 24, 25 and 26 of said Section 114 the following words: “commencing at or within and extending to or into any town, city, or village named as the place of terminus”. And that said Section 114 be and the same is hereby further amended by adding at the end of said Section the following, viz.: “It shall also be lawful for any railway company of this State, whether created by prior special act or under this act, to straighten, widen or otherwise improve the whole or portions of its line or lines of railway and the structures and appurtenances thereof, in such manner, and to such extent as its Board of Directors may determine upon, whenever, in the opinion of such Board, the same may be necessary for better securing the safety of persons and property and increasing the facilities and capacity for the transportation of its traffic, and to acquire all land and materials necessary therefor by agreement with the owner or owners, or, on failure to so agree, in the manner and by the proceedings prescribed by Section 81, as provided in Section 113, of this Act.”

Defining the point of beginning and the terminus of route.
Power of railway company to widen lines.

Section 9. That Section 129 of said Chapter 167, be and the same is hereby amended by inserting after the word “increase” and before the word “and” in line 10 of said Section the following words, viz.: “but in no case less than Twenty (20) dollars.” That said Section 129 be and the same is hereby further amended by striking out of said section the word “increase” as it occurs in the 17th and 18th lines of said Section, and that said Section 129 be and the same is hereby further amended by striking out of lines 19, 20, 21 and 22 of said Section the following words, viz.: “and if the capital stock of the corporation is increased by any such amended certificate he shall receive an additional sum of fifteen (15) cents for each one thousand (1000) dollars of increase”.

Fees.

Section 10. That in making publication of the Laws en-

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Secretary of
State to publish
law as
amended.

acted at the present session of the General Assembly the Secretary of State shall publish the Act to which these amendments are added, as the said Act is hereby amended.

Right of cor-
poration to
amend cer-
tificate by
changing num-
ber and par
value of shares.

Section 11. That Section 26 of said Chapter 167 be and the same is hereby amended by inserting in said Section between the words "stock" and "or" in line 9 thereof the following: "or by changing the number and par value of the shares of its capital stock".

Approved March 17, A. D. 1903.

CHAPTER 393.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT TO AMEND AN ACT PROVIDING A GENERAL CORPORATION LAW, PROVIDING FOR THE INCORPORATION OF COMPANIES FOR THE DRAINAGE AND RECLAMATION OF LOW LANDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all members elected to each House of the General Assembly concurring herein):

Ditch and
Drainage Cor-
poration may be
formed.

Number of
incorporators.

Section 1. That Chapter 167 of Volume 22, Laws of Delaware, entitled "An Act providing a General Corporation Law" be and the same is hereby amended by striking out Section 71 of said Act and inserting in lieu thereof the following: "Section 71. Any number of persons not less than three may form a corporation under the provisions of this Act which corporation so formed as aforesaid, shall have perpetual succession, for the purpose of draining and reclaiming low lands by ditching, draining and bringing the same into cultivation and shall do and perform the several matters and things hereinafter stated and shall have and exercise all the rights, powers and privileges, herein conferred and be subject to all the duties, limitations, restrictions and liabilities herein imposed upon such corporations and for that pur-

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pose may make and sign certificates of incorporations in lieu of the certificate of incorporation hereinbefore required by the provisions of this act, in which shall be stated;

1. The name of the corporation.

Name.

2. The place from which and to which such ditch is to be constructed and the lands through which it is proposed to run.

Location and limits.

The certificate may also contain such other provisions as the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provisions creating, defining, limiting and regulating the powers of the corporation, the managers, taxables or officers.

Other provisions.

The said corporations formed under this Act shall have no capital stock nor directors but shall be managed by the officers and persons hereinafter provided for.

No capital stock nor directors.

Before proceeding to accomplish the ends of its incorporation, the said corporation shall apply to the superior court of the State of Delaware in and for the County in which the low lands desired to be drained or the greater part thereof may be located, for the appointment of commissioners as is provided for in Section one of said Chapter 59, Revised Code, as amended.

To apply to Superior Court for appointment of Commissioners.

That all the provisions of said Chapter 59, Revised Code, as amended, shall be applicable to corporations created under this Section, except that the managers and Treasurer provided for in said Chapter 59, Revised Code shall be the Managers and Treasurer of the corporation and such managers shall be three in number instead of two as provided for in said Chapter 59 of Revised Code.

Number of managers.

Immediately after the election of such managers, they shall elect one of their number to be president of the company and such president and managers and other officers shall possess all the powers and duties usually vested in such officers and in addition thereto such other powers and duties as shall be provided for in the certificate of incorporation, or the by-laws of such company.

Officers.
Powers and duties.

The managers or taxables of such company may make such by-laws regulating the conduct of the affairs of the corporation, and its officers, as they may think right and proper and may alter and amend them at pleasure.

Managers may make by-laws.

No tax for the use of the state shall be collected from cor-

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Not to be taxed by State. corporations provided for by this Section nor shall any taxes for the use of the state be collected from corporations heretofore incorporated or hereafter to be incorporated for the drainage and reclamation of low lands for the amendment or renewal of the charter of such corporations.

Amendment of certificates of incorporation. Certificates of incorporation provided for by this section may be amended as provided for in Section 26 of said Chapter 167 of Volume 22, Laws of Delaware, relating to Amendments of certificates of corporations having no capital stock.

Approved March 17, A. D. 1903.

CHAPTER 394.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT PROVIDING A GENERAL CORPORATION LAW.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of the members elected to each House of the General Assembly):

Number of persons required.

Purpose.

Section 1. Any number of persons, not less than three, may associate to establish a corporation for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose under the provisions of and subject to the requirements of this Act as hereinafter provided; excepting for such purposes as are excluded from the operation of a general law by Section 1 of Article 9, of the Constitution of this State, upon making and filing a certificate of incorporation in writing in manner hereinafter mentioned.

Application of general and specific provisions as to railroad, railway, telegraph and telephone companies.

Corporations for constructing, maintaining and operating railroads, railways, telegraph or telephone lines outside of this State may be formed under the general provisions of this Act, but corporations for constructing, maintaining and operating railroads or railways within this State shall be subject to the

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special provisions and requirements of this Act applicable to such corporations.

Section 2. Every corporation created under the provisions Powers of this Act shall have power:

1. To have succession, by its corporate name, for the time Succession. stated in its certificate of incorporation, and when no period is limited, it shall be perpetual.

2. To sue and be sued, complain and defend in any Court Suits of law or equity.

3. To make and use a common seal, and alter the same at Seal. pleasure.

4. To hold, purchase and convey real and personal estate, Property. and to mortgage any such real and personal estate with its franchises; the power to hold real and personal estate, except in the case of religious corporations, shall include the power to take the same by devise or bequest.

5. To appoint such officers and agents as the business of Officers. the corporation shall require and to allow them suitable compensation.

6. To make by-laws not inconsistent with the constitution By-laws. or laws of the United States or of this State; fixing and altering the number of its directors, for the management of its property, the regulation and government of its affairs, and for the certification and transfer of its stock, with penalties for the breach thereof not exceeding twenty dollars.

7. To wind up and dissolve itself, or to be wound up and Dissolution. dissolved in the manner hereinafter mentioned.

8. To conduct business in this State, other States, the Dis- To conduct trict of Columbia, the territories and colonies of the United States business. and in foreign countries, and have one or more offices out of this State, and to hold, purchase, mortgage and convey real and personal property out of the State, provided such powers are included within the object set forth in its certificate of incorporation.

Section 3. In addition to the powers enumerated in the Second Section of this Act, every corporation, its officers, direc- Additional tors and stockholders, shall possess and exercise all the powers powers. and privileges contained in this Act, and the powers expressly

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given in its charter or in its certificate under which it was incorporated, so far as the same are necessary or convenient to the attainment of the objects set forth in such charter or certificate of incorporation; and shall be governed by the provisions and be subject to the restrictions and liabilities in this Act contained, so far as the same are appropriate to and not inconsistent with such charter or Act under which such corporation was formed; and no corporation shall possess or exercise any other corporate powers, except such incidental powers as shall be necessary to the exercise of the powers so given.

Banking powers denied.

Section 4. No corporation created under the provisions of this Act shall, by any implication or construction, be deemed to possess the power of carrying on the business of discounting bills, notes or other evidences of debt, of receiving deposits of money, of buying gold and silver bullion, or foreign coins, or buying and selling bills of exchange, or of issuing bills, notes or other evidences of debts for circulation as money.

Certificate.

Section 5. The certificate of incorporation shall set forth:

Name.

1. The name of the corporation, which name shall contain one of the words "association," "company," "corporation," "club," "incorporated," "society," "union" or "syndicate," and shall be such as to distinguish it from any other corporation engaged in the same business, or promoting or carrying on the same objects or purposes in this State.

Principal office.

2. The name of the city or town, county or place, within the county in which its principal office or place of business is to be located in this State.

Objects.

3. The nature of the business, or objects or purposes proposed to be transacted, promoted or carried on.

Capital stock.

4. The amount of the total authorized capital stock of the corporation, which shall not be less than two thousand dollars, the number of shares into which the same is divided and the par value of each share; the amount of capital stock with which it will commence business, which shall not be less than one thousand dollars; and if there be more than one class of stock created by the certificate of incorporation, a description of the different classes with the terms on which the respective classes of stock are created. Provided, however, that the provisions of this paragraph shall not apply to corporations not for profit, for which

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it is desired to have no capital stock; in case any such corporation desires to have no capital stock it shall be so stated, and the conditions of membership shall be also stated.

5. The names and places of residence of each of the original subscribers to the capital stock, or if there be no stock, of the original corporators. Subscribers or corporators.

6. Whether or not the corporation is to have perpetual existence, if not, the time when its existence is to commence and the time when its existence is to cease. Existence.

7. Whether the private property of the stockholders shall be subject to the payment of corporate debts, and if so, to what extent. Liability of stockholders.

8. The certificate of incorporation may also contain any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation, and any provisions creating, defining, limiting and regulating the powers of the corporation, the directors and the stockholders, or any classes of the stockholders; provided, such provisions are not contrary to the laws of this State. Other provisions.

Section 6. The certificate shall be signed and sealed by each of the original subscribers to the capital stock, or if there be no capital stock, by each of the original corporators, and shall be acknowledged before any officer authorized by the laws of this State to take acknowledgments of deeds to be the act and deed of the signers respectively, and that the facts therein stated are truly set forth; said certificate shall be filed in the office of the Secretary of State, who shall furnish a certified copy of the same under his hand and seal of office, and said certified copy shall be recorded in the office of the Recorder of Deeds of the county where the principal office of said corporation is to be located in this State, in a book to be kept for that purpose; said certificate or a copy thereof duly certified by the Secretary of State, accompanied with the certificate of the recorder of the county wherein the same is recorded under his hand and the seal of his office, stating that it has been recorded, the record of the same in the office of the Recorder aforesaid, or a copy of said record duly certified by the Recorder aforesaid, shall be evidence in all courts of law and equity in this State. Execution of certificate. Filing. Recording of copy. Certificate, evidence.

Section 7. Upon making the certificate of incorporation

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Beginning of
corporate exist-
ence.

and causing the same to be filed, and a certified copy thereof recorded as aforesaid, and paying the license tax therefor to the Secretary of State, the persons so associating, their successors and assigns, shall from the date of such filing be and constitute a body corporate, by the name set forth in said certificate, subject to dissolution as in this Act elsewhere provided.

Temporary
management by
corporators.

Section 8. Until the directors are elected, the signers of the certificate of incorporation shall have the direction of the affairs and of the organization of the corporation, and may take such steps as are proper to obtain the necessary subscriptions to stock and to perfect the organization of the corporation.

Directors.
Management of
business.
To be stock-
holders.
Term of office.
Quorum.

Section 9. The business of every corporation organized under the provisions of this Act shall be managed by a board of not less than three directors, except as hereinafter provided; each of whom shall own in his own right not less than three shares of capital stock; they shall hold office until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business, and at least one of them shall be a resident of this State. The Board of Directors may, by resolution passed by a majority of the whole board, designate two or more of their number to constitute an executive committee, who, to the extent provided in said resolution or in the by-laws of said company, shall have and exercise the powers of the board of Directors in the management of the business and affairs of the company, and may have power to authorize the seal of the company to be affixed to all papers which may require it. The directors of any corporation organized as aforesaid may, if so stated in the certificate of incorporation or in any amendment thereto, or may by a vote of the stockholders, be divided into one, two or three classes; the term of office of those of the first class to expire at the annual meeting next ensuing; of the second class one year thereafter; of the third class two years thereafter, and at each annual election held after such classification and election directors shall be chosen for the full term, as the case may be, to succeed those whose terms expire.

Executive com-
mittee.
Powers of.

Classes of
directors.
Terms of office.

Officers.

Election.

Section 10. Every corporation organized under this Act shall have a President, Secretary and Treasurer, who shall be chosen by the Directors or stockholders, as the by-laws may direct; and shall hold their offices until their successors are chosen and qualified; the President shall be chosen from among

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the Directors; the Secretary shall be sworn to the faithful discharge of his duty, and shall record all the proceedings of the meetings of the corporation and directors in a book to be kept for that purpose, and perform such other duties as shall be assigned to him; the Treasurer may be required to give bond in such sum and with such surety or sureties as shall be provided by the by-laws, for the faithful discharge of his duty.

Qualifications.

Duties.

The Secretary and Treasurer may or may not be the same person, and if the corporation have a Vice-President, he may, if deemed advisable by the Directors, hold the offices of Vice-President and Treasurer, or Vice-President and Secretary, but not the offices of Vice-President, Secretary and Treasurer.

Secretary or Treasurer may also be Vice-President.

The corporation may have such other officers, agents and factors as may be deemed necessary, who shall be chosen in such manner and hold their offices for such terms as may be prescribed by the by-laws, or determined by the Board of Directors, and may secure the fidelity of any or all of such officers by bond or otherwise; and may also provide by the by-laws for the qualification of any or all of such officers before any person authorized by law to administer an oath.

Other officers.

A failure to elect annually a President, Secretary, Treasurer or other officers shall not dissolve a corporation.

Failure to elect not to dissolve.

Any vacancy occurring in the office of President, Secretary or Treasurer by death, resignation, removal or otherwise, shall be filled in the manner provided for in the by-laws; in the absence of such provision, such vacancy shall be filled by the Board of Directors.

Vacancies, how filled.

Section 11. The first meeting of every corporation shall be called by a notice signed by a majority of the incorporators named in the certificate of incorporation, designating the time, place and purpose of the meeting; and such notice shall, at least two weeks before the time of any such meeting, be published three times in some newspaper of the county where the corporation may be established or have its principal place of business, or said first meeting may be called without such publication of notice, if two days notice be personally served on all the parties named in the certificate of incorporation, or if all the parties named in the certificate of incorporation, shall in writing, waive notice and fix a time and place of meeting, then no notice of publication whatever shall be required of such first meeting.

First meeting.

Notice.

Publication of.

Waiver of notice.

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By-laws, making, alteration, &c.

Section 12. The power to make and alter by-laws shall be in the stockholders, but any corporation may, in the certificate of incorporation, confer that power upon the directors. By-laws made by the directors under power so conferred may be altered or repealed by the directors or stockholders.

Class of stock.

Section 13. Every corporation shall have power to create two or more kinds of stock of such classes, with such designations, preferences and voting powers, or restriction or qualification thereof, as shall be stated and expressed in the certificate of incorporation; and the power to increase or decrease the stock, as in this Act elsewhere provided, shall apply to all or any of the classes of stock; but at no time shall the total amount of the preferred stock exceed two-thirds of the actual capital paid in cash or property; and such preferred stock may, if desired, be made subject to redemption at not less than par, at a fixed time and price, to be expressed in the certificate thereof, and the holders thereof shall be entitled to receive, and the corporation shall be bound to pay thereon a fixed yearly dividend, to be expressed in the certificate, not exceeding eight per centum, payable quarterly, half yearly or yearly, before any dividend shall be set apart or paid on the common stock, and such dividends may be made cumulative; and in no event shall a holder of preferred stock be personally liable for the debts of the corporation; but in case of insolvency, its debts or other liabilities shall be paid in preference to the preferred stock.

Proportion.

Dividends.

Liabilities.

Preferred stock to be provided for in charter.

General stock, Common stock synonymous.

Unless its original or amended charter or certificate of incorporation shall so provide, no corporation shall create preferred stock. The terms "general stock" and "common stock" are synonymous.

Stock for labor, property, &c.

Section 14. Any corporation existing under any law of this State may issue stock for labor done or personal property or real estate or leases thereof; in the absence of fraud in the transaction, the judgment of the directors as to the value of such labor, property, real estate or leases shall be conclusive.

Stockholders' certificate, how signed.

Section 15. Every stockholder shall have a certificate under the seal of the corporation signed by the president and treasurer, certifying the number of shares owned by him in such corporation.

Stock personal property.

Section 16. The shares of stock in every corporation shall be deemed personal property and transferable on the books of the

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corporation in such manner and under such regulations as the by-laws provide; provided, however, that no stock or bonds issued by any corporation organized under this Act shall be taxed by this State when the same shall be owned by non-residents of this State, or by foreign corporations. Whenever any transfer of shares shall be made for collateral security, and not absolutely, it shall be so expressed in the entry of the transfer.

Transferable.

Bonds of foreign stockholders not taxable by this State.

Collateral transfer.

Section 17. Unless otherwise provided in the charter, certificate or by-laws of the corporation, each stockholder, whether resident or non-resident, shall at every meeting of the stockholders be entitled to one vote in person or by proxy for each share of the capital stock held by him but no proxy shall be voted on after three years from its date; nor shall any share of the stock be voted on at any election which has been transferred on the books of the corporation within twenty days next preceding such election.

Voting of stockholders.

One vote for each share of capital stock.

Section 18. Persons holding stock in a fiduciary capacity shall be entitled to vote the shares so held, and persons whose stock is pledged shall be entitled to vote, unless in the transfer by the pledgor on the books of the corporation he shall have expressly empowered the pledgee to vote thereon, in which case only the pledgee, or his proxy may represent said stock and vote thereon.

Voting stock held by fiduciary or pledged stock.

Section 19. Shares of stock of the corporation belonging to the corporation shall not be voted upon directly or indirectly.

Stock owned by corporation not to be voted.

Section 20. When the whole capital stock of a corporation shall not have been paid in, and the assets shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of the par value of such share as fixed by the charter of the company or its certificate of incorporation, or such proportion of that sum as shall be required to satisfy the debts of the company, which said sum or proportion thereof may be recovered as provided for in Section 49 of this act as amended, after a writ of execution against the corporation has been returned unsatisfied, as provided for in Section 51 of this Act as amended.

Liability of stockholders, for assessment on unpaid stock to pay debts.

Section 21. When any corporation is authorized to commence business, the directors may, if its whole capital stock has not been subscribed, open books for additional subscriptions to its capital stock.

Additional subscriptions to pay capital stock.

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Payment of capital stock.	The capital stock of a corporation shall be paid in such amounts and at such times as the directors may require. And
Assessment of unpaid stock.	the directors may, from time to time, assess upon each share of, stock not fully paid up, such sum of money as the necessities of the business may, in the judgment of the Board of Directors, require, not exceeding in the whole the balance remaining unpaid on said stock, up to the par value thereof, and such sum so assessed shall be paid to the Treasurer at such times and by such installments or calls as the directors shall direct, the said directors having given at least thirty days' notice of the time and place of such payments in a newspaper of the county in this State where such corporation is established, or has its principal place of business, or by written notice mailed at least thirty days before the time for such payment, to each stockholder at his last known post office address.
To be paid to Treasurer.	
Notice of payment.	
Failure of stockholder to pay.	Section 22. When any stockholder fails to pay any installment or call upon his stock which may have been properly assessed thereon by the directors, at the time when such payment is due, the directors may collect the amount of such installments or call any balance thereof remaining unpaid, from the said stockholder by an action at law, or they shall sell at public sale such part of the shares of such delinquent stockholder as will pay all assessments then due from him with interest and all incidental expenses, and shall transfer the shares so sold to the purchaser, who shall be entitled to a certificate therefor. Notice of the time and place of such sale and of the sum due on each share shall be given by advertisement for three weeks successively; once in each week before the sale, in a newspaper of the county in this State where such corporation is established, or has its principal place of business, and such notice shall be mailed by the treasurer of the corporation to such delinquent stockholder at his last known post office address, at least twenty days before such sale. If no bidder can be had to pay the amount due on the stock, and if the amount is not collected by an action at law, brought within the county where such corporation is established or has its principal place of business, within one year from the date of the bringing such action at law, the said stock shall be forfeited to the corporation and the amount previously paid in by the delinquent on the stock shall be forfeited to the corporation.
Sale of stock.	
Notice.	
Forfeiture of stock.	

Section 23. The President with the Secretary or Treasurer of every corporation organized under this Act shall upon the

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written request of any creditor or stockholder of such corporation make a certificate stating the amount of the installments or calls paid in cash or by the purchase of property, stating also the total amount of capital stock issued, which certificate shall be signed and sworn or affirmed to by the President and Secretary or Treasurer, and they shall within thirty days after the making of such certificate or certificates cause the certificate to be filed in the office of the Secretary of State.

Certificate of payment of capital stock to be filed upon written request of creditor or stockholder.

Section 24. If any of the said officers shall neglect or refuse to perform the duties required of them in the preceding section for thirty days after written request so to do by a creditor or stockholder of the corporation, they shall be jointly and severally liable for all its debts contracted after the making of such payments as provided for in the preceding section and before the filing of such certificate.

Liability of officers for failure to file certificate of payment of capital stock.

Section 25. It shall be lawful for the incorporators of any corporation, before the payment of any part of its capital, to file with the Secretary of State an amended certificate, duly signed by the incorporators named in the original certificate of incorporation, and duly acknowledged in the manner in this Act required for certificates of incorporation, in this Act heretofore provided for, modifying, changing, or altering its original certificate of incorporation in whole or in part; and said Secretary of State shall furnish a certified copy of said certificate under his hand and seal of office, and said certified copy shall be recorded in the office of the Recorder of the county in which its original certificate of incorporation was recorded; said amended certificate shall take the place of the original certificate of incorporation, and shall be deemed to have been filed and recorded on the date of the filing and recording of the original certificate, provided, however, that nothing herein contained shall permit the insertion of any matter not in conformity with the provisions of this Act.

Amending certificate before payment of capital stock.

Certified copy for Recorder.

Section 26. Any corporation of this State existing prior to the passage of this amendatory Act, whether created by special Act, or general law, or any corporation created under the provisions of this Act, may, from time to time, when and as desired, amend its charter of incorporation, either by addition to its corporate powers and purposes, or diminution thereof; or by substitution of other powers and purposes, in whole or in part, for those prescribed by its charter; or by increasing or decreasing its authorized capital stock; or by changing the number and par value

Amendments of charters with capital stock.

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of the shares of its capital stock; or by changing its corporate title.

How made. Every such amendment shall be made and effected in manner following, to wit:

Directors shall adopt resolutions.

Meeting of stockholders.

Notice of.

Vote.

To be conducted by two judges.

Duties of.

Certificates of shares voted.

Certificate thereof under corporate seal.

Filed.

Copy for Recorder.

1. If the corporation has a capital stock, its board of directors shall adopt a resolution setting forth the amendment proposed, declaring its advisability, and calling a meeting of the stockholders for consideration thereof. Said meeting shall be called and held upon such notice as the corporation's charter or by-laws provide, and in the absence of such provision, upon notice thereof, either delivered to the stockholder or mailed to the stockholder's post office address, if known, at least ten days before the date fixed for said meeting. At said meeting, a vote of the stockholders by ballot, in person or by proxy, shall be taken for and against the proposed amendment, which vote shall be conducted by two judges appointed for that purpose either by the directors or by the said meeting. Said judges shall decide upon the qualification of voters, and when the vote is completed, count and ascertain the number of shares voted respectively for and against said amendment, and declare whether the persons or bodies corporate holding the majority of the stock of said corporation (or of each class of stock, if there be more than one) have voted for or against the proposed amendment; and shall make out certificates accordingly in duplicate, stating the number of shares of stock voted for and against the amendment respectively, and subscribe and deliver the same to the secretary of the corporation. If it shall appear by said certificates of the judges that the persons or bodies corporate holding the majority of the stock of said corporation (or of each class of stock, if there be more than one) have voted in favor of the amendment, thereupon, the said corporation shall make, under its corporate seal, and the hands of its President and Secretary, a certificate accordingly, and the President shall duly execute the same before an officer authorized by the laws of this State to take acknowledgments of deeds; and the said certificate, so executed and acknowledged with one of the said judge's duplicate certificates attached, shall be filed in the office of the Secretary of State, and a copy thereof certified by said Secretary of State shall be recorded in the office of the Recorder of the County in which the original charter of incorporation is recorded; or if the corporation shall have been created by special public act of the Leg-

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islature, then said certificate shall be recorded in the office of the Recorder of any county where the business of the said corporation may be conducted. And upon so filing and recording the same, the charter of said corporation shall be deemed to be amended accordingly. Provided, however, that no corporation shall decrease its authorized capital stock without paying or adequately securing such of its debts as are not then fully secured.

Provisions for security of debts.

2. If the corporation has no capital stock, then the Board of Directors, managers, trustees, or the governing body thereof, shall pass a resolution declaring that such amendment, addition, change or alteration is advisable, and if at the next meeting, held not earlier than fifteen days and not later than thirty days from the meeting at which such resolution shall have been passed, two-thirds of the whole number of the said Board of Directors, managers, trustees, or the governing body, shall vote in favor of such amendment, addition, change or alteration, a certificate thereof shall be signed by the President and Secretary under the corporate seal, acknowledged by said President and Secretary before any officer authorized by the laws of this State to take acknowledgments of deeds, to be the Act and deed and certificate of such corporation, and such certificate acknowledged as aforesaid, together with the assent of two-thirds of the whole number of the members of the said Board of Directors, managers, trustees, or governing body in writing, shall be filed in the office of the Secretary of State, and a copy thereof duly certified by the Secretary of State shall be recorded in the office of the Recorder of the county in which the original charter of incorporation is recorded; or, if the corporation shall have been created by a special public Act of the Legislature, then said certificate shall be recorded, as above provided, in the county where said corporation has its principal place of business; and upon so filing and recording the same, the charter of incorporation shall be deemed to be amended accordingly.

Amendments of charters without capital stock.

Directors shall adopt resolutions advising amendments.

Subsequent meeting.

Two-thirds vote of whole number requisite.

Certificate with assent of two-thirds of directors in writing to be filed.

Certified copy for Recorder.

Section 27. Every corporation organized under the provisions of this Act may, at any meeting, increase its capital stock, and the number of shares therein, until it shall reach the amount named in the original certificate.

Increase of capital stock.

Section 28. Any corporation organized under this Act may reduce its capital stock at any time by a vote of, or by the written consent of stockholders representing two-thirds of its capital stock, and after notice of the proposed decrease has been mailed

Reduction of capital stock.

Notice.

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- to the address of each stockholder at least twenty days before the meeting is held for that purpose; and a statement of the reduction shall be signed and acknowledged by the President and a majority of the Directors, and shall be filed and a certified copy thereof recorded in the same manner as certificates of incorporation are required to be. No such reduction, however, shall be made in the stock of any corporation until all its debts which are not otherwise fully secured shall have been paid and discharged.
- Certificate to be filed and recorded.** The decrease of capital stock issued may be effected by retiring or reducing any class of the stock, or by drawing the necessary number of shares by lot for retirement, or by the surrender of every shareholder of his shares, and the issue to him in lieu thereof of a decreased number of shares, or by the purchase at not above par of certain shares for retirement, or by retiring shares owned by the corporation or by reducing the par value of shares; and when any corporation shall decrease the amount of its capital stock hereinbefore provided, the certificate decreasing the same, shall be published for three weeks successively at least once in each week, in a newspaper published in the county in which the principal office of the corporation is located; the first publication to be made within fifteen days after the filing of such certificate, and in default thereof the Directors of the corporation shall be jointly and severally liable for all the debts of the corporation contracted before the filing of the said certificate, and the stockholders shall also be liable for such sums as they may respectively receive of the amount so reduced; provided, no such decrease of capital stock shall release the liability of any stockholder whose shares have not been fully paid, for debts of the corporation theretofore contracted.
- How affected.** Section 29. After the first election of directors no stock shall be voted on at any election which shall have been transferred on the books of the company within twenty days next preceding such election, and it shall be the duty of the officer who shall have charge of the stock ledger to prepare and make, at least ten days before every election, a complete list of stockholders entitled to vote, arranged in alphabetical order. Such list shall be open at the place where said election is to be held for said ten days, to the examination of any stockholder, and shall be produced and kept at the time and place of election during the whole time thereof, and subject to the inspection of any stockholder who may be present. Upon the neglect or refusal of the
- Publication of certificate.**
- Liability.**
- Voting.**
- Alphabetical list of stockholders.**

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said directors to produce such list at any election they shall be ineligible to any office at such election. The original or duplicate stock ledger shall be the only evidence as to who are the stockholders entitled to examine such list or the books of the company, or to vote in person or by proxy, at such election. The original or duplicate stock ledger containing the names and addresses of the stockholders, and the number of shares held by them, respectively, shall, at all times, during the usual hours for business, be open to the examination of every stockholder at its principal office or place of business in this State, and said original or duplicate stock ledger shall be evidence in all courts of this State.

Evidence of who are stockholders.

Original or duplicate stock ledger.

Evidence.

Every corporation now or hereafter organized under and pursuant to the provisions of this Act may make suitable provision in its certificate of incorporation, original or amended, and thereby to the extent, in the manner and subject to the conditions provided in the certificate of incorporation confer upon the holders of any bond or debentures issued or to be issued by any such corporation, whether secured by mortgage or otherwise, the power to vote in respect to the corporate affairs and management of the company to the same extent and in the same manner as stockholders of the said corporation, as may be provided in the certificate of incorporation and, in case of a default in the payment of the principal or interest on said bonds or otherwise, or in any other case, confer upon such bondholders the same right of inspection of the corporate books and accounts and records of any such company, and also any other rights, which the stockholders of the said company have or may have by reason of the provisions of the statutes of this State or pursuant to the provisions of the certificate of incorporation.

Certificate of incorporation may confer upon holders of bonds or debentures voting powers of stockholders.

Section 30. All elections of directors shall be by ballot, unless otherwise provided in the charter or the certificate of incorporation. The first meeting for the election of directors, at which meeting any business may be transacted, shall be held at any place either within or without this State fixed by a majority of the incorporators in a writing signed by them and thereafter the said directors shall be elected at the time and place within or without this State named in the by-laws, and which shall not be changed within sixty days next before the day on which the election is to be held. A notice of any change shall be given

Election of directors.

First meeting for.

Subsequent meetings.

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- Notice of change of election. to each stockholder twenty days before the election is held, in person or by letter mailed to his last known post office address.
- Vacancy in Board of Directors. Any vacancy in the Board of Directors shall be filled by the board, unless otherwise provided in the by-laws, and the directors so appointed shall hold office until the next annual election and until their successors shall be duly elected and qualified.
- How filled.
- Failure to elect directors not to work forfeiture of corporation. Section 31. If the election for directors of any corporation shall not be held on the day designated by the by-laws, the directors shall cause the election to be held as soon thereafter as conveniently may be; no failure to elect directors at the designated time shall work any forfeiture or dissolution of the corporation, but the Chancellor may summarily order an election to be held upon the application of any stockholder, and may punish the directors for contempt of Court for failure to obey the order.
- Power of Chancellor.
- Subsequent meetings. Section 32. That in all cases after the first meeting of the incorporators, where it is not otherwise provided by the by-laws, the meetings of the stockholders of every corporation shall be held at its principal office in this State. The stockholders and directors may, however, hold their meetings and have an officer or officers outside of this State if the by-laws so provide; and every corporation shall maintain a principal office or place of business in this State and shall have an agent, resident of this State, in charge thereof.
- May hold meetings and have officers outside of this State.
- Principal office in this State.
- Agent.
- Name of corporation to be displayed on principal places of business. Section 33. Every corporation organized under this Act shall have in a conspicuous place on its principal office, place or place of business, in letters sufficiently large to be easily read, painted or printed the corporate name of such corporation. And every such corporation which shall fail or refuse to comply with the provisions of this section shall be subject to a fine of not less than one hundred dollars and not more than five hundred dollars, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law to be prosecuted by the Attorney-General.
- Failure.
- Fine.
- Directors may declare dividends. Section 34. The Directors of every corporation created under this Act shall have power, after reserving over and above its capital stock paid in, such sum, if any, as shall have been fixed by the stockholders, to declare a dividend among its stockholders of the whole of its accumulated profits, in excess of the amounts so reserved, and pay the same to such stockholders on

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demand; provided, that the corporation may, in its certificate of incorporation, or in its by-laws, give the Directors power to fix the amount to be reserved.

Certificate may fix the amount to be reserved as working capital.

Section 35. No corporation created under the provisions of this Act, nor the directors thereof, shall make dividends except from the surplus or net profits arising from its business. Dividends may be paid in cash or capital stock at par, but otherwise the corporation shall not divide, withdraw, or in any way pay to the stockholders, or any of them, any part of its capital stock, or reduce its capital stock, except according to this Act, and in case

Dividends to be made only from net profits.

of any violation of the provisions of this section the directors under whose administration the same may happen shall be jointly and severally liable in an action on the case at any time within

Reduction of capital stock.

six years after paying such dividend to the corporation and to its creditors or any of them in the event of its dissolution or insolvency, to the full amount of the dividend made or capital stock so

Liability.

divided, withdrawn, paid out, or reduced, with interest on the same from the time such liability accrued; provided, that any director who may have been absent when the same was done or

Absent directors not liable by entering dissent upon books of proceedings.

who may have dissented from the act or resolution by which the same was done, may exonerate himself from such liability by causing his dissent to be entered at large on the books containing the minutes of the proceedings of the directors at the time the same was done, or forthwith after he shall have notice of the same, and by causing a true copy of said dissent to be published,

Must publish dissent.

within two weeks after the same shall have been so entered, in a newspaper published in the county where the corporation has its principal office.

Section 36. No corporation created under this Act shall make any loan of money to any officer of such corporation, nor shall any loan be made to a stockholder upon the security of the stock of the corporation, and if any such loan be made, the officer or officers who make it or assent thereto shall be jointly and

Stock of company not to be collateral for loans to officers or stockholders.

severally liable until the repayment of the sum so loaned with interest. Nor shall any corporation take as security for any

Violation.

debts a lien upon any part of its capital stock, unless such lien shall be necessary to prevent loss upon a debt previously contracted. Provided, however, that the provisions of this section

Liability.

Capital stock shall not be security for debts.

shall not apply to corporations organized exclusively as Building and Loan Associations.

Exceptions.

Section 37. If the directors or officers of any corporation,

False statements.

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Liability for. organized under the provisions of this Act, shall knowingly cause to be published or given out any written statement or report of the condition or business of the corporation that is false in any material respect, the officers and directors causing such report or statement to be published, or given out, or assenting thereto, shall be jointly and severally, individually liable for any loss or damage resulting therefrom.

Surrender of corporate rights before beginning business. Section 38. Before the payment of any part of the capital and before beginning business for which the corporation was created, the incorporators named in any certificate of incorporation may surrender all their corporate rights and franchises, by filing in the office of the Secretary of State a certificate, verified by the oath or affirmation of a majority of the incorporators named in the certificate of incorporation, that no part of the capital has been paid and such business has not been begun, and surrendering all rights and franchises, and thereupon the said corporation shall be dissolved.

Dissolution. Section 39. If it should be deemed advisable, in the judgment of the Board of Directors, and most for the benefit of any corporation organized under this Act, that it should be dissolved, the board, within ten days after the adoption of a resolution to that effect by a majority of the whole board at any meeting called for that purpose, of which meeting every director shall have received at least three days notice, shall cause notice of the adoption of such resolution to be mailed to each stockholder residing in the United States, and also, beginning within said ten days, cause a like notice to be inserted in a newspaper published in the county wherein the corporation shall have its principal office, at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of the stockholders to be held at the office of the corporation, to take action upon the resolution so adopted by the Board of Directors, which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may be on the day so appointed, by consent of a majority in interest of the stockholders present, be adjourned from time to time, for not less than eight days at any one time, of which adjourned meeting notice by advertisement in said newspaper shall be given; and if at any such meeting two-thirds in interest of all the stockholders shall consent that a dissolution shall take place and signify their consent in writing, such con-

How affected.

Notice.

Meeting of stockholders.

Consent of two-thirds in interest.

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sent, together with a list of the names and residences of the directors and officers, certified by the president and secretary and treasurer, shall be filed in the office of the Secretary of State, who, upon being satisfied by due proof that the requirements aforesaid have been complied with, shall issue a certificate that such consent has been filed, and the Board of Directors shall cause such certificate to be published four weeks successively, at least once a week, in a newspaper published in said county; and upon the filing in the office of the Secretary of State of an affidavit of the manager or publisher of the said newspaper that said certificate has been published four weeks successively, and at least once a week, in said newspaper, the corporation shall be dissolved.

Certificate thereof, &c., to be filed.

Publication of certificate of dissolution.

Whenever all the stockholders shall consent in writing to a dissolution, no meeting or notice thereof shall be necessary, but on filing said consent in the office of the Secretary of State, he shall forthwith issue a certificate of dissolution, which shall be published as above provided.

Waiver of notice.

Section 40. All corporations, whether they expire by their own limitation, or are otherwise dissolved, shall, nevertheless, be continued for the term of three years from such expiration or dissolution bodies corporate for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their business, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which said corporation shall have been established.

Continuance of corporate existence for closing business of corporation.

Section 41. Upon the dissolution of any corporation under the provisions of Section 39 of this Act as amended, the directors, or the governing body, by whatever name it may be known, shall be trustees thereof, with full power to settle the affairs, collect the outstanding debts, sell and convey the property, real and personal, and divide the moneys and other property among the stockholders, after paying its debts.

Directors of corporation upon dissolution thereof to be trustees, &c.

Section 42. The persons constituted trustees as aforesaid shall have authority to sue for and recover the aforesaid debts and property, by the name of the trustees of such corporation, describing it by its corporate name, and shall be sueable by the same name for the debts owing by such corporation at the time of its dissolution, and shall be jointly and severally responsible

Powers of trustees aforesaid.

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for such debts, to the amounts of the moneys and property of such corporation which shall come into their hands or possession.

Court of Chancery, upon application, may continue directors or appoint receivers.

Section 43. When any corporation organized under this Act shall be dissolved in any manner whatever, the Court of Chancery, on application of any creditor or stockholder of such corporation, at any time, may either continue such directors, trustees as aforesaid, or appoint one or more persons to be receivers of and for such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation, or otherwise, all such suits as may be necessary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by such corporation, if in being, that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such trustees or receivers may be continued as long as the Chancellor shall think necessary for the purposes aforesaid.

Duties.

Jurisdiction of Chancellor.

Section 44. The Court of Chancery shall have jurisdiction of said application and of all questions arising in the proceedings thereon, and may make such orders and decrees and issue injunctions therein as justice and equity shall require.

Application of assets.

Section 45. The said trustees or receivers after payment of all allowances, expenses and costs, and the satisfaction of all special and general liens upon the funds of the corporation to the extent of their lawful priority, shall pay the other debts due from the corporation, if the funds in their hands shall be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the Court for that purpose; and if there shall be any balance remaining after the payment of such debts and necessary expenses, they shall distribute and pay the same to and among those who shall be justly entitled thereto, as having been stockholders of the corporation, or their legal representatives.

No abatement of action by reason of dissolution.

Section 46. If any corporation organized under this Act becomes dissolved by the expiration of its charter or otherwise, before final judgment obtained in any action pending or commenced in any Court of Record of this State, against any such corporation, the said action shall not abate by reason thereof, but

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the dissolution of said corporation being suggested upon the record; and the names of the trustees or receivers of said corporation being entered upon the record, and notice thereof served upon said trustees or receivers, or if such service be impracticable upon the counsel of Record in such case, the said action shall proceed to final judgment against the said trustees or receivers by the name of the corporation.

Section 47. Whenever any corporation is dissolved or its charter forfeited by decree or judgment of the Court of Chancery, the said decree or judgment shall be forthwith filed by the Register in Chancery of the county in which such decree or judgment shall be entered, in the office of Secretary of State, and a note thereof shall be made by the Secretary of State on the charter or certificate of incorporation, and on the index thereof, and be published by him in the next volume of Laws, which he shall cause to be published.

Filing of decree
of forfeiture of
charter.

Section 48. Service of legal process upon any corporation created under this Act shall be made by delivering a copy thereof personally to the president of such corporation, or by leaving the same at his dwelling house or usual place of abode. If the president resides out of the State, service thereof may be made by delivering a copy thereof to the secretary or one of the directors of said corporation, or by leaving the same at the dwelling house or usual place of abode of such secretary or director, or at the principal office or place of business of the corporation in this State. Service by copy left at the dwelling house or usual place of abode, or at the said principal office or place of business in this State to be effective must be delivered thereat at least six days before the return of the process, and in the presence of an adult person; and the officer serving the process shall distinctly state the manner of service in his return thereto; provided, that process returnable forthwith must be served personally.

Service of legal
process.
How made.

Section 49. When the officers, directors or stockholders of any corporation, organized under this Act, shall be liable by the provisions of this Act, to pay the debts of the corporation, or any part thereof, any person to whom they are liable may have an action on the case against any one or more of them and the declaration shall state the claim against the corporation, and the ground on which the plaintiff expects to charge the defendants

Liability of
officers.

Form of action.

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personally; or the person to whom they are liable may have his remedy by bill in Chancery.

Action of officers against corporation for debts, etc., paid.

Section 50. When any officer, director or stockholder shall pay any debt of a corporation for which he is made liable by the provisions of this Act, he may recover the amount so paid, in an action against the corporation for money paid for its use, and in which action only the property of the corporation shall be liable to be taken, and not the property of any stockholder.

Directors not liable to suit until judgment against corporation returned unsatisfied.

Section 51. No suit shall be brought against any director or stockholder for any debt of a corporation organized as aforesaid, of which he is such director or stockholder, until judgment be obtained therefor against such corporation and execution thereon returned unsatisfied.

Inventory to be filed by receivers and trustees.

Section 52. Receivers or trustees shall, as soon as convenient, file in the office of the Register in Chancery of the county in which the corporation's principal place of business is, a full and complete inventory of all the estate, property and effects of the corporation, its nature and probable value, and an account of all debts due from and to it, as nearly as the same can be ascertained, and make a report to the Court of their proceedings, whenever and as often as the Court shall direct.

Creditors shall make proof under oath of claims against corporation.

To file same within six months.

Failure thereof may bar in distribution of assets.

Section 53. All creditors shall make proof under oath of their respective claims against the corporation, and cause the same to be filed in the office of the Register in Chancery of the county in which the corporation's principal place of business is, within six months from the date of the appointment of a receiver or trustee for such corporation, or sooner if the Court shall order and direct, and all creditors and claimants failing to do so, within the time limited by this Act, or the time prescribed by the order of the Court may, by direction of the Court be barred from participating in the distribution of the assets of the corporation; the Court may also prescribe what notice, by publication or otherwise, shall be given to creditors of the time fixed for the filing and making proof of said claim.

Register in Chancery to notify Receiver of claims filed.

Section 54. It shall be the duty of the Register in Chancery, immediately upon the expiration of the time fixed for the filing of claims, in compliance with the provisions of the preceding section of this Act, to notify the receiver or trustee of the filing of said claims, and it shall be the duty of said receiver or

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trustee within thirty days after receiving said notice, to inspect said claims, and if said trustee or any creditor shall not be satisfied with the validity or correctness of the same, or any of them, said receiver or trustee shall forthwith notify the creditors, whose claims are disputed, of his decision; the said receiver or trustee shall require all creditors whose claims are disputed to submit themselves to such examination in relation to their claims as the receiver or trustee shall direct, and such creditors shall produce such books and papers relating to their claims as shall be required; and the receiver or trustee shall have power to examine, under oath or affirmation, all witnesses produced before him touching the claims, and shall pass upon and allow or disallow the claims, or any part thereof, and notify the claimants of his determination.

Duty of Receiver as to disputed claims.

Provided, however, that every creditor or claimant, when he shall have received notice from said receiver or trustee, that he is not satisfied with the said claim as filed in the office of the Register in Chancery, shall have the right, within ten days thereafter, to demand that the said receiver or trustee shall certify the said claim to the Court of Chancery, which Court shall have jurisdiction to pass upon the said claim as presented, and to determine the rights of the claimant, and to make such order or decree touching the same as shall be equitable and just; and provided, further, that when any creditor or claimant shall submit himself to such examination in relation to his claim, as the receiver or trustee shall direct, and the receiver or trustee shall pass upon and allow or disallow such claim, the creditor or claimant so submitting himself, or any other creditor or claimant, shall have the right of appeal to the Court of Chancery, which Court shall hear and determine the rights of the claimant, and shall make such order or decree touching the same as shall be equitable and just.

Appeal of creditor to Chancellor.

Section 55. A receiver shall, upon application by him in the Court in which any suit is pending, be substituted as party plaintiff or complainant in the place and stead of the corporation in any suit or proceeding at law or in equity which was so pending at the time of his appointment; and no action against a receiver of a corporation shall abate by reason of his death, but, upon suggestion of the facts on the record, shall be continued against his successor or against the corporation in case no new receiver is appointed.

Substitution of receiver as party plaintiff in suits.

Section 56. Whenever the property of an insolvent corpora-

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Sale of deteriorating property of insolvent corporations.

tion is at the time of the appointment of a receiver or trustee encumbered with liens of any character, and the validity, extent or legality of any such liens is disputed or brought in question, and the property of the corporation is of a character which will deteriorate in value pending the litigation respecting such lien, the Court of Chancery may order the receiver or trustee to sell the property of the corporation, clear of all incumbrances, at public or private sale for the best price that can be obtained therefor, and pay the net proceeds arising from the sale thereof, after deducting the costs of such sale into the Court, there to remain subject to the order of the said Court, and to be disposed of as the Court shall direct.

Lien of employees.

Section 57. Whenever any corporation, formed under the provisions of this Act, shall become insolvent, the employees doing labor or service of whatever character in the regular employ of such corporation, shall have a lien upon the assets thereof for the amount of the wages due to them, not exceeding two months' wages respectively, which shall be paid prior to any other debt or debts of said corporation; but the word "employees" shall not be construed to include any of the officers of such corporation.

Compensation of receiver.

Section 58. The Court of Chancery shall, before making distribution of the assets of an insolvent corporation, among the creditors or stockholders thereof, allow a reasonable compensation to the receiver or trustee for his services, and the costs and expenses incurred in and about the execution of his trusts, and the costs of the proceedings in said Court, to be first paid out of said assets.

Merger of consolidation of corporations.

Section 59. Any two or more corporations organized under the provisions of this Act, or existing under the laws of this State, for the purpose of carrying on any business, may consolidate into a single corporation which may be either one of said consolidated corporations, or a new corporation to be formed by means of such consolidation; the directors, or a majority of them, of such corporation, as desire to consolidate, may enter into an agreement signed by them, and under the corporate seals of the respective corporations, prescribing the terms and conditions of consolidation, the mode of carrying the same into effect, and stating such other facts as are necessary to be set out in Articles of Incorporation, as provided in this Act, as well as the manner of converting the shares of each of the old corporations

Agreement

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into the new, with such other details and provisions as are deemed necessary.

Said agreement shall be submitted to the stockholders of each corporation, at a meeting thereof, called separately for the purpose of taking the same into consideration; of the time, place and object of which meeting due notice shall be given by publication at least once a week for four successive weeks in one or more newspapers published in the county wherein each corporation either has its principal office or conducts its business, and a copy of such notice shall be mailed to the last known post office address of each stockholder of each corporation, at least twenty days prior to the date of such meeting, and at said meeting said agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if the votes of stockholders of each corporation representing two-thirds in amount of its capital stock shall be for the adoption of the said agreement, then that fact shall be certified on said agreement by the secretary of each corporation, under the seal thereof; and the agreement so adopted and certified shall be signed by the President and Secretary of each of said corporations under the corporate seals thereof and acknowledged by the President of each of such corporations before any officer authorized by the laws of this State to take acknowledgments of deeds to be the respective act, deed and agreement of each of said corporations and the agreement so certified and acknowledged shall be filed in the office of the Secretary of State, and shall thence be taken and deemed to be the agreement and act of consolidation of the said corporations; and a copy of said agreement and act of consolidation, duly certified by the Secretary of State under the seal of his office, shall also be recorded in the offices of the Records of the counties of this State in which the respective corporations so consolidating shall have their original charters recorded, or if any of the corporations shall have been specially created by a public Act of the Legislature, then said agreement shall be recorded in the county where such corporation shall have had its principal place of business; and such record, or a certified copy thereof, shall be evidence of the existence of the corporation created by the said agreement, and of the observance and performance of all antecedent acts and conditions necessary to the creation thereof.

Submission
thereof to
stockholders.

Meeting.
Notice.
Publication.

Vote on.

Certification of
agreement.

To be filed in
office of Secretary
of State.

Certified copy
thereof for
Recorder.

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When merged
and con-
solidated ex-
istence begins.

Rights, powers,
etc.

Preservation of
rights of
creditors.

Dissatisfied
stockholders,
payment for
stock.

Disagreement
as to value of
stock.

Section 60. When the agreement is signed, acknowledged, filed and recorded, as in the preceding section is required, the separate existence of the constituent corporations shall cease, and the consolidated corporations shall become a single corporation in accordance with the said agreement, possessing all the rights, privileges, powers and franchises, as well of a public as of a private nature, and being subject to all the restrictions, disabilities and duties of each of such corporations so consolidated, and all and singular the rights, privileges, powers and franchises of each of said corporations, and all property, real, personal and mixed, and all debts due on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations shall be vested in the consolidated corporation; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the consolidated corporation as they were of the several and respective former corporations, and the title to any real estate, whether by deed or otherwise, under the laws of this State, vested in either of such corporations, shall not revert or be in any way impaired by reason of this Act; provided, that all rights of creditors and all liens upon the property of either of said former corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective former corporations shall thenceforth attach to said consolidated corporation, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Section 61. If any stockholder in either corporation consolidating as aforesaid, who objected thereto in writing, shall within twenty days after the agreement of consolidation has been filed and recorded, as aforesaid, demand in writing from the consolidated corporation payment of his stock, such consolidated corporation shall, within three months thereafter, pay to him the value of the stock at the date of consolidation; in case of disagreement as to the value thereof, it shall be ascertained by three disinterested persons, one of whom shall be chosen by the stockholder, one by the directors of the consolidated corporation and the other by the two selected as aforesaid; and in case the said award is not paid within sixty days from the making thereof, and notice thereof given to said stockholder and said consolidated corporation, the amount of the award shall be evidence of the amount due by said corporation, and may be collected as other debts are

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by law collectible; on receiving payment of the award, said stockholder shall transfer his stock to the said consolidated corporation, to be disposed of by the directors thereof, or to be retained for the benefit of the remaining stockholders.

Transfer of stock.

Section 62. Any action or proceeding pending by or against either of the corporations consolidated may be prosecuted to judgment, as if such consolidation had not taken place, or the new corporation may be substituted in its place.

Suits prior to consolidation may be prosecuted or new corporation be substituted.

Section 63. The liability of corporations created under this Act, or existing under the laws of this State, or the stockholders or officers thereof, or the right or remedies of the creditors thereof, or of persons doing or transacting business with such corporation, shall not in any way be lessened or impaired by the sale thereof, or by the increase or decrease in the capital stock of any such corporation, or by the consolidation of two or more corporations, or by any change or amendment in the Articles of Incorporation.

Liabilities, &c., of corporations.

Not affected by sale, increase or decrease of capital stock.

Section 64. When two or more corporations are consolidated, the consolidated corporation shall have power and authority to issue bonds or other obligations, negotiable or otherwise, and with or without coupons or interest certificates thereto attached, to an amount sufficient with its capital stock to provide for all the payments it will be required to make, or obligations it will be required to assume, in order to effect such consolidation; to secure the payment of which bonds and obligations it shall be lawful to mortgage its corporate franchise, rights, privileges and property, real, personal and mixed; and may issue capital stock, to such an amount as may be necessary, to the stockholders of such consolidated corporation in exchange or payment for the original shares, in the manner and on the terms specified in the agreement of consolidation.

Consolidated corporations. Powers and obligations as to bonds and stock thereafter.

Section 65. If the franchise and property of any corporation formed under the provisions of this Act, or existing under the law of this State is sold, the persons who may become the purchasers, at private sale or under the judgment of the court, may organize a corporation for the continuation, operation and management of the same; and such corporation, when organized, shall have the same rights, privileges and franchises as have been granted to, or acquired by the corporation purchased; and shall be subject to all the limitations, restrictions and liabilities im-

Sale of franchise.

Purchasers to have the rights and franchises of the corporation purchased.

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posed upon it; and, in addition thereto, shall be subject to all the provisions of this Act. Such corporation shall be formed by Articles of Incorporation executed by the purchaser and his associates, and which shall, in addition to the requirements of the provisions of this Act, set forth the description of the property sold and the decree under which the sale was made; if it was sold under judgment, or if not, the deed conveying the property; the amount paid or to be paid; and to whom and by whom, and such other statements as may be deemed necessary. The article shall be signed by the purchaser and his associates, if any, and shall be filed in the office of the Secretary of State, who shall furnish a certified copy of the same under his hand and seal of office, which shall be recorded as hereinbefore provided for certificates of incorporation; and when a certificate of such fact is delivered to the purchaser the corporation shall be deemed to be organized, and shall have all the rights, powers and privileges, and be subject to all restrictions, limitations and liabilities of other similar corporations organized under this Act.

Formation of
such corpora-
tion.

Execution,
filing, &c., of
articles of in-
corporation.

Powers, &c.

Judicial sale of
franchise.

Section 66. Sales of the property and franchises of such corporations that may be sold under a decree of Court shall be made after such notice of the time and place as the Court may deem proper; and if such sales are made in the foreclosure of one or more mortgages, the Court may order such sale to be made for the whole amount of the outstanding bonds and interest secured by such mortgage or mortgages, or if the property and franchise will produce so much, then for the amount of interest due under said mortgage or mortgages, subject to the payment by the purchaser of the outstanding bonds and interest secured thereby as they become due; and in the latter event may, by proper orders, secure the assumption thereof by the purchaser; but when a sale shall be ordered to be made, subject as aforesaid, the Court shall direct the officer making such sale, in the event that the property and franchises offered do not sell for enough to pay the amount aforesaid, to sell the same free from encumbrances. Sales under this section shall be made on such credits as the court may deem proper.

Section 67. Any corporation organized under this Act shall forfeit all rights, privileges and franchises obtained thereunder, if it shall fail, for two years after its organization, to commence in good faith the business, or to promote the objects or purposes for which it was organized.

Failure to com-
mence business
for two years to
forfeit charter.

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Section 68. No corporation organized under this Act or existing under the laws of this State, shall be permitted to set up, or rely upon the want of legal organization as a defense to any action against it; nor shall any person transacting business with such corporation, or sued for injury done to its property, be permitted to rely upon such want of legal organization as a defense.

Want of legal organization no defense in actions.

This section shall not be construed to prevent judicial inquiry into the regularity or validity of the organization of the corporation or its lawful possession of any corporate power it may undertake to assert in any other suit or proceeding where its corporate existence or the power to exercise the corporate rights it asserts is challenged, and evidence tending to sustain such challenge shall be admissible in any suit or proceeding.

Judicial inquiry into organization.

Section 69. Every corporation organized under this Act, may issue a new certificate of stock in the place of any certificate theretofore issued by it, alleged to have been lost or destroyed, and the directors may, in their discretion, require the owner of the lost or destroyed certificate, or his legal representatives, to give the corporation a bond, in such sum as they may direct, not exceeding double the value of the stock, to indemnify the corporation against any claim that may be made against it on account of the alleged loss of any such certificate; a new certificate may be issued without requiring any bond when, in the judgment of the directors it is proper so to do, and when any such corporation shall have refused to issue a new certificate of stock in place of one theretofore issued by it, or by any corporation of which it is the lawful successor, alleged to have been lost or destroyed, the owner of the lost or destroyed certificate, or his legal representatives, may apply to the Superior Court of the State of Delaware in and for the county in which the principal office of the corporation is located for an order requiring the corporation to show cause why it should not issue a new certificate of stock in place of the one so lost or destroyed; such application shall be by petition duly verified, in which shall be stated the name of the corporation, the number and date of certificate, if known or ascertainable by the petitioner, the number of shares of stock named therein and to whom issued, and a statement of the circumstances attending such loss or destruction; thereupon said Court shall make an order requiring the corporation to show cause at a time and place therein mentioned, why it should not is-

New certificates of stock to be issued for lost or destroyed.

Directors may require bond for.

Refusal to issue new certificate.

Petition to Superior Court.

Court may make order upon corporations, to show cause, &c.

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Copy of order to be served upon president or head officer of corporation.

sue a new certificate of stock in place of the one described in the petition; a copy of the petition or order shall be served upon the president or other head officer of the corporation, or on the cashier, secretary, treasurer or any director thereof personally or left at the principal office or place of business of the corporation in this State at least five days before the time designated in the order.

Hearing.

Section 70. At the time and place specified in the order, and on proof of service thereof, the Court shall proceed to hear the proofs and allegations in behalf of the parties in interest, relative to the subject matter of inquiry, and if upon such hearing the court shall be satisfied that the petitioner is the lawful owner of the number of shares of capital stock, or any part thereof, described in the petition, and that the certificate therefor has been lost or destroyed and cannot be found, and no sufficient cause has been shown why a new certificate should not be issued in place thereof, it shall make an order requiring the corporation, within such time as shall be therein designated, to issue and deliver to the petitioner a new certificate for the number of shares of the capital stock of the corporation, which shall be specified in the order as owned by the petitioner, and the certificate for which shall have been lost or destroyed; in making the order the Court shall direct that the petitioner file such bond in such form and with such security as to the Court shall appear sufficient to indemnify any person who shall thereafter appear to the lawful owner of such certificate stated to be lost or stolen; any person who shall thereafter claim any rights under the certificate so lost or destroyed, shall have recourse to said indemnity, and the corporation shall be discharged from all liability to such person by reason of compliance with the order of Court; and obedience to said order may be enforced by the Court by attachment against the officers of the corporation on proof of their refusal to comply with the same.

Order requiring issue of new certificate.

Petitioner to file bond.

Attachment, &c.

Ditch and drainage corporations may be formed.

Number of incorporators.

Section 71. Any number of persons, not less than three, may form a corporation under the provisions of this Act which corporation so formed as aforesaid, shall have perpetual succession, for the purpose of draining and reclaiming low lands by ditching, draining and bringing the same into cultivation and shall do and perform the several matters and things hereinafter stated; and shall have and exercise all rights, powers and privileges herein conferred, and be subject to all the duties, limita-

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tions, restrictions and liabilities herein imposed upon such corporations and for that purpose may make and sign certificates of incorporations in lieu of the certificate of incorporation hereinbefore required by the provisions of this act, in which shall be stated:

1. The name of the corporation.

Name.

2. The place from which and to which such ditch is to be constructed and the lands through which it is proposed to run. The certificate may also contain such other provisions as the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provisions creating, defining, limiting and regulating the powers of the corporation, the managers, taxables or officers. The said corporations formed under this Act, shall have no capital stock nor directors, but shall be managed by the officers and persons hereinafter provided for. Before proceeding to accomplish the ends of its incorporation, the said corporation shall apply to the Superior Court of the State of Delaware in and for the county in which the low lands desired to be drained or the greater part thereof may be located, for the appointment of commissioners as is provided for in Section 1 of said Chapter 59, Revised Code, as amended.

Location and limits.

Other provisions.

No capital stock or directors.

To apply to Superior Court for appointment of Commissioners.

That all the provisions of said Chapter 59, Revised Code, as amended, shall be applicable to corporations created under this Section, except that the managers and Treasurer provided for in said Chapter 59, Revised Code, shall be the Managers and Treasurer of the corporation, and such managers shall be three in number instead of two as provided for in said Chapter 59, of Revised Code.

Number of Managers.

Immediately after the election of such managers, they shall elect one of their number to be president of the company, and such president and managers and other officers shall possess all the powers and duties usually vested in such officers, and in addition thereto, such other powers and duties as shall be provided for in the certificate of incorporation, or the by-laws of such company.

Officers.

Powers and duties.

The managers or taxables of such company may make such by-laws regulating the conduct of the affairs of the corporation, and its officers, as they may think right and proper, and may alter and amend them at pleasure.

Managers may make by-laws.

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Not to be taxed
by the State.

No tax for the use of the State shall be collected from corporations provided for by this Section, nor shall any taxes for the use of the State be collected from corporations heretofore incorporated or hereafter to be incorporated for the drainage and reclamation of low lands, for the amendment or renewal of the charter of such corporations.

Amendment of
certificates of
incorporation.

Certificates of Incorporation provided for by this Section, may be amended as provided for in Section 26, of said Chapter 167, of Volume 22, Laws of Delaware, relating to Amendments of certificates of corporations having no capital stock.

Building and
Loan Associa-
tions.

Additional
Powers.

Section 72. Building and loan associations organized under this Act shall, in addition to the other powers herein granted, have power to sell their accumulated funds to and among their stockholders at any premium which may be obtained for the same, and when such funds cannot be loaned to any stockholder at par they may be loaned to any person not a stockholder at any rate of interest not exceeding six per cent., and every such association may take, as collateral security for such loans, shares of its own capital stock.

Railroads.

Formation of.
Number of
incorporators.
Succession,
purpose, &c.

Section 73. Any number of persons, not less than nine, may form a corporation under the provisions of this Act, which corporation so formed as aforesaid, shall have perpetual succession for the purpose of constructing, maintaining and operating a railroad for the transportation of freight and passengers, and shall do and perform the several matters and things hereinafter stated and shall have and exercise all the rights, powers and privileges hereinbefore and hereafter conferred and be subject to all the duties, limitations, restrictions and liabilities hereinafter imposed upon such corporation; and for that purpose may make and sign articles of association, in lieu of the articles of association hereinbefore required by the provisions of this Act, in which shall be stated:

Articles of
Association.

Name.

1. The name of the corporation.

Location.

2. The place from which and to which such railroad is to be constructed, maintained and operated.

Length.

3. The estimated length of such railroad and the name of each county in this State through or into which it is intended to be made.

Capital stock.

4. The amount of the capital stock of the corporation,

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which shall not be less than five thousand dollars for every mile of road proposed to be constructed.

5. The number of shares of which said capital stock shall consist. Shares.

6. The names and places of residence of nine directors of the corporation, who shall manage its affairs for the first year and until others are chosen in their places; and each such person shall subscribe thereto his name, place of residence and the number of shares of stock he agrees to take in such corporation; at least one of said directors shall be a resident of this State. Directors.

7. The name of the city, town, county or place within the county in this State in which its principal office or place of business will be located in this State. Principal office.

Section 74. Said articles of association shall be presented to one of the Judges of the Superior Court of the State of Delaware, who shall examine the same, and if found to conform to the requirements of this Act, shall endorse his certificate thereon accordingly. On compliance with the foregoing provisions and the requirements of the next succeeding section, which latter shall be evidence by the receipt of the State Treasurer delivered to the Secretary of State, such articles of association may be filed in the office of the Secretary of State, who shall endorse thereon in writing the day they are filed, and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the Secretary of State to be filed, the persons who have so subscribed such articles of incorporation and all persons who shall become stockholders in such corporation, shall be a corporation by the name specified therein; every such corporation formed under this Act, in addition to the general powers hereinbefore in this Act set forth shall have power:

Approval of articles by judges.

Filing, recording, &c.

Beginning of existence.

1. To have authority, by its officers and servants, to enter upon the lands or waters of any person or persons, which may be necessary, to make such examination and surveys for its proposed railroad as shall be required to be made, in the selection of the most advantageous route, but subject at all times to responsibility for all and any damage which shall be done to the property of any such person or persons.

Additional powers.

Selection of route, &c.

2. To aid in the construction, maintenance and accommodation of its railroad, may take and hold such voluntary grants Property.

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of real estate and other property as shall be made to it, but in all instances, the real estate received as a voluntary grant shall be held and used for the purpose of such grant only.

3. For the sole purpose of the construction and maintenance of its railroad, and the stations and other accommodations necessary to accomplish the object of its incorporation, it may purchase, hold and use all such real estate or other property as may be necessary.

4. To construct its road and lay out the same as herein provided, and for the purpose of cuttings and embankments, to take as much more land as may be necessary or required, for the proper construction and security for the road.

5. To use and exercise all other rights and powers herein granted.

\$2,000 per mile
of proposed
road to be de-
posited with
State Treasurer.

Payment of
money by State
Treasurer.

Copy of
charter, &c., to
be evidence.

Section 75. Articles of association, in compliance with the provisions of Sections 73 and 74 of this Act, as amended, shall not be filed and recorded in the office of the Secretary of State until at least two thousand dollars of stock for every mile of railroad proposed to be made is subscribed thereto and paid, in good faith and in cash, to the directors named in said articles of association, nor until the said directors shall have deposited the said money so subscribed and paid to them with the State Treasurer, who is constituted the custodian of the same, and shall hold the same, subject to be repaid to the directors of the said corporation, or to the treasurer thereof, in sums of two thousand dollars for each mile of said railroad, upon the construction of which it shall be proved to his satisfaction, that the said corporation has expended at least the sum of two thousand dollars, nor until there is endorsed on such articles of association, or annexed thereto, an affidavit made by at least five of the directors named in said articles of association, that the amount of stock required by this section has been, in good faith, subscribed and paid in cash as aforesaid, and that it is intended in good faith, to construct or maintain and operate the road mentioned in such articles of association which affidavit shall be recorded with the articles of association as aforesaid.

Section 76. That a copy of any articles of association for the construction and operation of railroads, filed and recorded in pursuance of provisions of this Act, or of the record thereof, with a copy of the affidavit aforesaid indorsed thereon or annexed

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thereto and duly certified to be a copy by the Secretary of State, shall be presumptive evidence of the incorporation of such corporation and of the facts therein stated.

Nothing in this section contained shall prevent judicial inquiry into, and ascertainment of the existence of the corporation or the possession of the corporate powers it undertakes to assert in any suit or proceeding wherein the same shall be challenged. Judicial inquiry.

Section 77. The directors named in said articles of association may, when such articles of association and affidavit are filed and recorded in the office of the Secretary of State, in case the whole of the capital stock is not before subscribed, continue to receive subscriptions until the whole capital stock is subscribed; at the time of subscribing every subscriber shall pay to the directors ten per centum on the amount subscribed by him, in money, and no subscription shall be received or taken without such payment. Subscription to capital stock.

Section 78. That there shall be a board of not less than nine directors of every corporation formed under this Act for the purpose of constructing and operating a railroad or railroads, to manage its affairs; said directors shall be chosen annually by a majority of the votes of the stockholders at such election, and in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected and qualified in their places; in the election of directors each stockholder shall be entitled to one vote for each share of stock held by him; vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation; the inspectors to hold the first election of directors shall be appointed by the board of directors named in the articles of association; no person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen; at every election of directors the books and papers of such company shall be exhibited to the meeting and subject to the inspection of those present, provided a majority of the stockholders present shall require it. Directors, number, &c. Election of. Voting. Vacancies. Inspectors. Qualification of directors. Exhibition of books, &c.

Section 79. That within thirty days after the articles of association are filed in the office of the Secretary of State the directors therein named shall organize by the election of one of their number president; they may also elect a treasurer and secretary Organization. Election of officers.

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By-laws.	and adopt such by-laws as may appear to be proper and right for the government of the corporation.
Stock, personal property.	Section 80. That the stock of every company formed under this Act shall be deemed personal estate and be transferable in the manner prescribed by the by-laws of the company, but no
Transfer of.	shares shall be transferable until all previous calls thereon shall have been paid.
Assessment of damages for land, &c., required.	Section 81. That whenever any corporation created under this Act cannot agree with the owner or owners of any land, sand, earth, gravel or other materials necessary to be taken and used in the construction of the said railroad, for the purchase thereof, the said corporation may apply to the Associate Judge of the State of Delaware, resident in the county where the land and materials necessary to be taken are located, first giving the
Notice.	other party or owners, at least five days' notice in writing of the intended application if within the State; and if said other party or owner be unknown or without the State, then such notice shall be published in some newspaper in the county in which the land proposed to be taken is located, at least five days prior to the intended application, and the said Associate Judge shall appoint
Freeholders.	five judicious and impartial freeholders, to view the premises and assess the damages which the owner or owners will sustain by reason of the said railroad passing through, taking and using
Oath of freeholders.	the same. The said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace, or Notary Public, before enter-
Notice of meeting.	ing on the premises, faithfully and impartially to perform the duties assigned them. They shall give ten days' notice, in writing, to the owner or owners of the premises, or to their guardian or guardians, duly appointed according to law, if within the State, and the same to the president of the corporation of the time of
Writ of ad quod damnum.	their meeting to view the premises; and the said commissioners shall certify their finding and award to both parties, but if either party is dissatisfied with the damages so assessed, such party may, on application to the Prothonotary of the Superior Court of the State of Delaware, in and for the county where the land lies, within thirty days after such assessment, sue out a writ of ad quod damnum, requiring the sheriff, in the usual form, to inquire
Award.	of twelve impartial men of his bailiwick of the damages as aforesaid, and their report shall be final; the said commissioners shall, in assessing the damages as aforesaid, award at least the actual cash value of the land, sand, earth, gravel or other materials so

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to be taken and used, as aforesaid, whereupon the corporation, upon paying the damages so assessed, shall become entitled to have, hold, use and enjoy the said lands and materials for the purposes by them required, forever; and in case any owner of lands necessary and taken for the purpose of construction of the said railroad, shall be a minor or a non-resident, or for any cause incapable of receiving, or unwilling or neglecting to receive said damages, or to call upon the said corporation, for the same, the said corporation may deposit the amount of the said damages to the credit of such owner or owners, in the Farmers' Bank in the county in which the said land and materials taken are located, subject to his, her or their order, whereupon the said corporation shall be entitled to have, hold, use and enjoy the said lands, premises and materials described and condemned in said report and required for the purposes of said corporation, for or on account of which said damages shall have been so assessed; the expenses of the assessment by the said commissioners of the damages aforesaid and the fees of the said Sheriff, Prothonotary and all costs incurred in the execution of the writ of ad quod damnum, shall in all cases be paid by the corporation.

Payment to entitle to land, etc.

Deposit of damages due minors, &c.

Payment of expenses, &c.

Section 82. That any railroad constructed under the provisions of this Act shall not exceed sixty-six feet in width unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails as such corporation may deem necessary, and it shall be lawful for such corporation, its agents, engineers, superintendents, or others in its employ to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such railroad, and of locating the same, and all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railroad and the location or locations of all other works, buildings, conveniences, appurtenances and appendages thereof, shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the Secretary of State, then it shall be lawful for every such corporation formed under this Act, upon payment or tender of such compensation as hereinbefore provided, by the officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a railroad with a single or double track, with such

Width of road.

Entry on lands.

Survey of route, filing, &c.

Payment for lands, &c.

Construction, &c.

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side tracks, turnouts, offices, stations and depots as they may deem necessary at and between the points named in the articles of association, commencing at or within and extending to or into any town, city or village named as the place of termini, and from time to time, either before or after completion of the main line, construct, maintain and operate branches within the limits of any county through which said road may pass, lay rails, and for that purpose to enter upon, take possession of, hold, have, use, occupy and excavate any lands, and erect any embankment, bridges and all other necessary works, and to do other things which may be suitable or necessary for the completion, repairs or management of said railroad, and for the conveyance of passengers and freight to and from the termini thereof by steam power; provided, always, that the payment or tender of payment of all damages for the occupancy of all lands through, under or upon which said railroad and its conveniences, appurtenances and appendages may be laid out or located, be made before the said corporation, or any person under its direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railroad and its conveniences, appurtenances and appendages and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained; and provided further, that the survey of the route of any branch shall not be filed in the office of the Secretary of State until the officers or directors of the corporation shall have deposited with the State Treasurer a sum equal to at least two thousand dollars for every mile and a proportionate sum for any distance less than a mile, of such branch which it is proposed to construct, and the said treasurer shall be custodian of such fund, and shall hold the same, subject to be repaid to the directors or treasurer of such company in sums of two thousand dollars for each mile and a proportionate sum for any distance less than a mile, of such branch upon the construction of which it shall be proved to his satisfaction that such amount has been expended; and provided further, that the construction of all such branches shall be commenced within six months from the date of filing the survey thereof as aforesaid and shall be completed and opened within three years from the date of the commencement of the construction as aforesaid.

Deposit of
\$2,000 per mile
with State
Treasurer.

Time of com-
mencement and
completion.

Power of rail-
road company
to widen lines.

It shall also be lawful for any railroad company of this State, whether created by prior special act or under this act, to

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straighten, widen or otherwise improve the whole or portions of its line or lines of railroad and the structures and appurtenances thereof, in such manner, and to such extent as its Board of Directors may determine upon, whenever, in the opinion of such board, the same may be necessary for better securing the safety of persons and property and increasing the facilities and capacity for the transportation of its traffic, and to acquire all land and materials necessary therefor by agreement with the owner or owners, or, on failure to so agree, in the manner and by the proceedings prescribed in Section 81 of this Act.

Section 83. It shall be the duty of every railroad corporation organized under this Act to construct and keep in repair good and sufficient bridges and passages over, under or across the said railroad or right of way where any public or other road, street or avenue, now or hereafter laid shall cross the same, so that public travel on the said road shall not be impeded thereby; and it is further provided, that such bridges and passages shall be of such width and character as shall be suitable to the locality in which the same are situated; and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagonways, over, under or across the said railroad, and shall also construct and maintain suitable and proper cattleguards at all road crossings; provided, always, that in case any such railroad shall cross any street or streets, highway or highways, in any city or incorporated town, it shall be either above or below the grade of said street or streets, highway or highways, at such distance as shall not interfere with the free and uninterrupted use of such street or streets, highway or highways; provided, further, that the council of any city or the commissioners of any incorporated town, or other persons having control over such street or streets, highway or highways, may grant permission to said corporation to cross such street or streets, highway or highways within the limits of the respective city or incorporated town at grade, if they deem it to be for the best interest of the city or incorporated town; and further provided, that in the event that such corporation shall not, within a reasonable time after notification from the Council of the city or Commissioners of the incorporated town or other persons having control over such street or streets, highway or highways, in which such bridges and passages are to be so constructed, or repaired, proceed to construct

Bridges and passages.

Wagonways.

Cattleguards.

Crossing streets, &c.

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or repair the same as required by this Act, the said Council or Commissioners or other persons aforesaid may, in the corporate name of such city or town, institute proceedings in the Court of Chancery against such corporation to compel the specific performance of the duties imposed upon such corporation by this section of this Act, and in case a decree shall be made against such corporation in said proceedings, commanding it to specially perform said duties, within a reasonable time to be fixed, and if such corporation shall neglect or refuse to specifically perform such duties within such time, the Chancellor, upon proof of such neglect or refusal may in his discretion, issue a writ of injunction to restrain said corporation from the exercise of any franchise or the transaction of any business in this State until said corporation shall have obeyed the command of said decree and shall have paid the costs of said proceedings, including a reasonable allowance to the solicitor of such city or town, to be fixed by the Chancellor; and further, provided, that said council or commissioners or other persons aforesaid in the event of the failure of such corporation to construct or repair such bridges or passages within a reasonable time after notification as aforesaid, may if they deem it advisable so to do, proceed themselves to construct or repair such bridges or passages, and when the costs thereof shall have been ascertained, the same may be collected of and from said corporation by said Council or Commissioners or other persons aforesaid by an action at law in any court of competent jurisdiction; provided, further, that the permission of the Council of any city, of the Commissioners of any incorporated town or other person hereinbefore referred to, shall not be necessary for the purpose of crossing any street or streets, highway or highways, at grade, unless said street or streets, highway or highways, at the point where said railroad shall cross, or at some point between the crossing of said railroad and the nearest terminus of said street or streets, highway or highways, shall be in actual use by and for pedestrians and teams at the time of acquirement of the right of way of said railroad across such street or streets, highway or highways.

Crossing
streams, &c.

Section 84. That any railroad corporation created under this Act which shall have duly located the route of its railroad by a survey deposited in the office of the Secretary of State, as required by Section 82 of this Act as amended, shall have power in the construction of its said railroad on such route, to cross

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any canal, navigable stream or watercourse between its termini, but in such manner as not unnecessarily to impede the navigation and use thereof; and shall also have power to cross any railroad or railway intervening between such termini and acquire the necessary easement for such crossing either by agreement with the corporation owner thereof or, on failure to agree, by condemnation proceedings in the manner prescribed by Section 81 of this Act as amended. Provided, however, that whenever practicable so to do, the crossing at grade of any railroad or railway shall be avoided, but if not practicable, the crossing may be at grade subject to the further provisions made by this section and in that event it shall be the duty of the corporation whose railroad track or tracks shall cross the track or tracks of such other railroad or railway company, at its own expense to erect and maintain at such crossing a signal tower and signals of a generally approved pattern with an electric warning attachment, and also to maintain an interlocking system with derailing switches, and keep a competent watchman and switchman on duty thereat; and the trains of the crossing company shall come to a full stop at least two hundred feet from the tracks of the railroad or railway crossed; and the trains or cars of the company owning or operating the railroad or railways so crossed at grade shall have precedence and priority of movement over the trains of the company constructing the crossing. And, provided further, that no such grade crossing shall be permitted or effected until the question of the practicability of an overhead or undergrade crossing shall have been considered and determined by the Chancellor, who shall upon the petition or bill of the company desiring to effect such crossing at grade, have full power and jurisdiction upon notice to and answer by the company whose tracks are proposed to be crossed, to hear and determine the matter by an appropriate decree, either refusing or permitting the crossing at grade, and if permitted to prescribe and regulate by such decree the manner and character of the said crossing, together with such safeguards against collisions thereat, in addition to those by this section provided as he may deem proper, with the right of appeal from the Chancellor's decree to the Supreme Court by either party, as in other cases in equity.

Crossing railroads, &c.

Grade crossing avoided.

Signals, switches, &c.

Decision of question of practicability of grade crossings.

Appeal.

Section 85. That any corporation created under this Act for the purpose of constructing a railroad, shall commence the proposed construction within six months from the date of its or-

Time of commencement and completion.

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ganization, and complete at least, one track of said road within three years from the date of the commencement, as aforesaid; provided, that if any company or corporation organized under this Act shall fail to comply with the provisions of this section, it shall thereby forfeit the franchise given it by this Act; provided, further, that if any corporation organized under this Act, shall be restrained, prevented or enjoined by any proceedings whatever at law or in equity from prosecuting the work on its road, or from opening or completing its said road, the time during which any such corporation shall be so restrained, prevented or enjoined, shall not be taken or computed as any part of the time allowed and limited in this section for the opening and completing of said road.

Power to borrow money.

Purposes.

Securing.

First lien.

Penalty for issuing bonds more than double paid capital.

Fences.

Section 86. Any corporation organized under this Act for the construction and operation of a railroad shall have power to borrow such sums of money, from time to time, not exceeding in the aggregate double the amount of its full paid capital stock, as shall be necessary to build, construct, or repair its road, and furnish all necessary engines and other equipments for the uses and objects of said corporation, and to secure the repayment thereof by the execution, negotiation and sale of any bond or bonds, and secure the same by mortgage on said lands, privileges, franchises and appurtenances of and belonging to said corporation; provided, that said corporation shall not plead any statute or statutes against usury in any court of law or equity, in any suit instituted to enforce the payment of any bond or mortgage executed under the provisions of this section; and provided, further, that said bonds and mortgages shall constitute a first lien on the railroad, its cars, real estate and franchises, and the proceeds of said bonds shall be used for the purpose of aiding in the construction of said railroad and equipments; and provided, further, that if any person or persons, shall issue such bonds to any greater amount than double the amount, at the time of such issue, that shall have been actually paid up on the capital stock of such railroad, he, she or they shall be guilty of a misdemeanor, and shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than three years, or by both, at the discretion of the court.

Section 87. Every corporation created under this Act, for the construction of a railroad shall erect and maintain fences on both sides of its railroad, of the height and strength of a fence

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required by law, with openings or gates or bars therein, at farm crossings or the road for the use of proprietors of lands adjoining such railroad; and shall also construct and maintain cattle guards at all the road crossings suitable and sufficient to prevent cattle and other animals from getting on the railroad; and until such fences and cattle guards shall be duly made, the corporation shall be liable for all damages which shall be done by their engines and cars to cattle, horses or other animals thereon; and after such fences and guards shall be duly made and maintained the corporation shall not be liable for any such damages, unless negligently or willfully done; and if any person shall ride, lead or drive any horse or other animal upon such railroad and within such fences and guards other than at farm crossings without the consent of the corporation, he shall for every such offence forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved; it shall not be lawful for any person other than those connected with or employed upon the railroad to walk along the track or tracks of any such railroad, except when the same be laid along public roads or streets.

Cattle guards.

Damages.

Trespass.

Section 88. Every conductor, baggage master or brakeman of any railroad corporation, formed under this Act, employed in a passenger train, shall wear upon his hat or cap a badge which shall indicate his office, and the initial letters of the name of the corporation by which he is employed; no conductor or collector of fares or tickets, without such badge shall be entitled to demand or receive from any passenger any fare or ticket, or to exercise any powers of his office, and no officer without such badge shall have authority to meddle or interfere with any passenger, his baggage or property.

Badges of employees.

Section 89. Any person who shall willfully impair, injure, destroy or obstruct the use of any railroad enjoyed under the provisions of this Act or any of its necessary works, wharves, bridges, carriages, engines, cars, machines, or other property, shall forfeit and pay to the corporation the sum of fifty dollars, to be by it recovered in any court having competent jurisdiction in any action of debt; and further shall be liable for all damages sustained.

Damages to road, &c.

Section 90. It shall be the duty of every railroad corporation created under the provisions of this Act, to make an annual

Annual report to stockholders.

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report to the stockholders of its operations, which report shall be verified by the affidavit of the secretary, treasurer, superintendent or directors of the corporation and shall state:

The entire length of the road in operation, the length of single track, the length of double track, and the weight of rail per yard.

The full amount of the capital stock annually subscribed and the full amount paid thereon.

The entire amount of the actual cost of the road, showing the amount expended for the right of way, bridging, grading, iron and other buildings respectively, and for all other purposes incidental to the construction of such road.

The nature of the amount of its indebtedness, distinguishing the first or other mortgage bonds, and the unsecured indebtedness and the amount due the corporation.

The amount received for the transportation of passengers, property and mails, for interest, and from all other sources respectively.

The amount of freight, specifying the quantity in tons or other usual mode of measurement.

The full amount paid for repairs of the road, buildings, engines and cars respectively, for fuel, taxes and interest, specifying the indebtedness on which the same is paid; for the wages and employees; the aggregate amount paid for salaries of officers and for any other purpose incidental to the business of transportation, so as to give a complete statement of the entire annual expenses of the corporation.

The entire amount paid for loss and damage to freight and injury to person and property.

The full number and amount of dividends and when made and in what manner such dividends have been paid.

The entire amount appropriated to sinking fund, and the manner in which the same has been applied, and the total amount then held by such sinking fund.

The whole number of persons killed or injured, the causes thereof, if known, and whether passengers or persons employed by the corporation; and the secretary of each railroad corpora-

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tion, formed as aforesaid, shall mail to every stockholder thereof, whose post office address is known, a copy of said annual report and shall file a certified copy thereof with the Secretary of State on or before the expiration of fifteen days from the making of such annual report. Filing copy with Secretary of State.

Section 91. It shall be lawful for any railroad company of this State, whether created by prior special Act, or under this Act, to consolidate with any other railroad company incorporated under the laws of this State or any other state, or of the United States, whose railroad within or without this State shall connect, or form a continuous line, with the railroad of the company so consolidated. Such consolidation shall be made in the manner and by the proceeding in this Act prescribed; and the corporation created thereby shall be possessed of, exercise and enjoy all the rights, powers and privileges which this Act confers upon consolidated companies; and it shall likewise be possessed of, exercise and enjoy all the franchises, rights, powers, privileges, immunities and benefits which any corporation of this State constituent thereof was possessed of or entitled to exercise under its charter or any law of this State; and shall be subject, within this State, to the conditions and restrictions imposed by its charter on any corporation of this State constituent thereof. Consolidation of connecting railroads. Manner of. Powers.

Section 92. Every railroad corporation formed under this Act shall cause signal boards, well supported by posts, or otherwise, at such heights as to be easily seen by travelers, and not obstructing travel, containing on each side, in capital letters, at least five inches high, the following inscription: "Railroad Crossing," to be placed and constantly maintained, at such public highway where it is crossed by the railroad at the same level; but such board need not be put up in cities or towns, unless required by the authorities thereof. Signal boards.

Section 93. Whenever, in the opinion of the authorities of any city or incorporated town, the public interest requires that a gate be erected and maintained, or a flagman stationed and kept at the place where any highway or street is crossed, within the corporate limits of such town or city, by any railroad constructed under this Act, they shall give the superintendent or manager of the railroad written notice that the same is required and the corporation shall, within the time prescribed in such notice, erect and maintain at such crossing the style of gate directed in said notice, and keep a man in charge of the same during such hours Gates.

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- Flagman.** as the said authorities may designate, or keep a flagman at such crossing during such hours as they may require. And the said authorities may authorize the discontinuance of such gate or flagman whenever in their judgment the public interest no longer requires the same.
- Lighting of cars.** Section 94. No passenger car on any railroad of any corporation organized under the provisions of this Act shall be lighted by naphtha or by illuminating oil or fluid made in part of naphtha, or of any oil or fluid which will ignite at a temperature of less than three hundred degrees Fahrenheit.
- Air brake.** Section 95. No regular or other passenger train on any railroad constructed under this Act shall be run without an air brake, or some equally effective appliance for controlling the speed of trains, which may be applied by the engineer to each car composing the train, and which shall at all times be kept in good condition and ready for use at the discretion of the engineer.
- Violation of certain provisions.** Section 96. Any corporation failing to comply with or violating or permitting any of its employees or agents to violate any of the provisions of Sections 88, 92, 93, 94 and 95 of this Act as amended, shall in addition to subjecting itself to any damages that may be caused by such failure or violation be guilty of a misdemeanor, and upon conviction thereof be fined for failure or violation, not less than one hundred dollars nor more than five hundred dollars.
- Penalty.**
- Discrimination in charges, &c., prohibited.** Section 97. No railroad or railway corporation organized under this Act shall charge, demand, or receive from any person, company, or corporation for the transportation of passengers or property a greater sum than it shall charge or receive from any other person, company or corporation for like service, from the same place, under like conditions, under similar circumstances, and for the same period of time. For every violation of the provisions of this section such corporation shall be liable to the party suffering thereby in double the entire amount so charged to such party, to be recovered before any court having jurisdiction thereof; provided, however, that nothing in this section shall be construed to prohibit the carriage or handling of
- Penalty.**
- Exceptions.**
- persons or property free or at reduced rates for the United States, State or municipal governments, or to or from fairs and exhibitions for exhibitions thereof; or the free carriage of destitute and homeless persons transported by charitable societies and the

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necessary agents employed in such transportation ; or the issuance of mileage, excursion, or commutation passenger tickets ; nor to prohibit any such corporation from giving reduced passenger rates to ministers of religion solely engaged in ministerial duties or to the United States, State or municipal governments ; nor to prohibit any such corporation from giving free carriage to their own officers and employees ; or to prevent the principal officers of any such corporation from exchanging passes or tickets with other railroad corporations for their officers and employees ; nor to prohibit any such corporation from giving reduced rates of transportation to other railroad corporations for railroad construction, material, equipment, or supplies.

Section 98. Every railroad corporation organized under the provisions of this Act shall be required, upon filing the certificate, to pay to the Secretary of State the fees hereinafter provided for; and also pay to the State Treasurer for the use of the State such tax as is required by the provisions of Chapter 458, Volume 12, of the Laws of this State, entitled "An Act to raise revenue for this State," and Chapter 392, Volume 13, of the Laws of this State, entitled "An Act taxing railroad and canal companies in this State," provided, however, that such railroad shall be entitled to the rights of commutation therefor as is provided by law for other railroad corporations of this State.

Fees to State.

Annual Tax.

Section 99. Every corporation organized under the provisions of this Act for the purpose of producing or distributing steam, heat and power, shall in addition to the powers conferred upon corporations generally, have full authority to lay the necessary pipes and conduits beneath the public roads, highways, streets, avenues and alleys in this State; provided, however, that such pipes and conduits shall be laid at least three feet below the surface of the same, and shall not in anywise unnecessarily obstruct or interfere with public travel, or damage public or private property; and provided, also, that the consent of the Council, Town Commissioners or other persons having control over the public roads, highways, streets, avenues and alleys of the city, town and district wherein or through which it is contemplated to lay such pipes and conduits beneath such public roads, highways, streets, avenues or alleys shall first, and as a condition precedent, be obtained before any such public roads, highways, streets, avenues or alleys shall be disturbed, opened or dug up; such con-

Steam, heat, and power companies.

Additional powers.

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sent of said Council or Town Commissioners to be by ordinance of such Council or Commissioners duly adopted, or of such person having control over the public roads or highways, by resolution adopted at a meeting to be held not less than thirty days after notice thereof shall have been given by notices posted up in five of the most public places on the public road or highway which is proposed to be used for the purposes aforesaid; that such use of public roads, highways, or streets, avenues and alleys in any of the cities, towns or districts of this State shall be subject to such terms, regulations and restrictions as may be imposed by the Council, Town Commissioners or other persons having control over the public roads and highways of the district, and that the portions of surface of the roads, highways, streets, avenues and alleys disturbed in laying the said pipes, shall be immediately restored to their original condition and that any pavements, which are removed for the purpose of laying or repairing the pipes shall be restored to as good condition as they were previous thereto, and so maintain the same for six months after the completion of the work, and in case of failure on the part of the corporation to so maintain and restore the same, the Street Commissioner or other officer having supervision of the streets may properly restore and maintain the same, and the costs thereof may be recovered by the city or town from the corporation in any court of competent jurisdiction.

Laying pipes. Section 100. It shall be the duty of every corporation organized under the provisions of this Act in laying any pipe or conduits in any of the public roads, highways, streets, avenues and alleys, to be used for conveying steam, heat or power to lay the same at a distance not less than three feet, if possible, from the outside of any water or gas pipe already laid, except in cases where it shall be necessary that said pipes or conduits shall cross any such water or gas pipe, and there such pipes or conduits shall be at least twelve inches distant from the outside of any water or gas pipe already laid.

Electric light, heat or power companies. **Additional powers.** Section 101. Every corporation organized under the provisions of this Act for the purpose of constructing, maintaining and operating works for the supply and distribution of electricity for electric lights, heat or power, shall in addition to the powers conferred upon corporations generally, have full power to use the public roads, highways, streets, avenues and alleys in this State for the purpose of erecting posts or poles on the same, to sustain

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the necessary wires and fixtures; provided that the consent of the Council, Town Commissioners or other persons having control over the public roads, highways, streets, avenues and alleys of the city, town and district in or upon which the said posts or poles are to be erected, shall first, and as a condition precedent, be obtained; and provided, further, that no posts or poles shall be erected in any street of any city or incorporated town except in those streets which shall be designated by the said authorities thereof, and then only in such place and manner as shall be thus designated, and that the same shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said streets, highways and roads; and that the use of the public streets in any of the cities and incorporated towns of this State shall be subject to such regulations and taxation as may be first imposed by the corporate authorities of such cities and towns; and provided also that no posts or poles shall be erected upon the soil or property of any person or persons without first obtaining the consent in writing of the owner or owners of the soil or property; and provided, also, that any wire crossing a railroad shall not be at a less elevation than twenty-three feet.

Laying pipes or
conduits, &c.

Section 102. Every such corporation is authorized and empowered to lay pipes or conduits and to lay wires therein beneath the public roads, highways, streets, avenues and alleys as they may deem necessary; provided, that said pipes and conduits shall be laid at least two feet below the surface of the same and shall not in anywise unnecessarily obstruct or interfere with public travel, or damage public or private property, and shall not be laid nearer than three feet, except as is hereinafter excepted, to any water or gas main; but no public streets shall be opened for the purpose of laying any such pipes, conduits or wires without the consent of the Council of any city, or the Town Commissioners of any incorporated town, or other persons having control over said public roads, highways, streets, avenues and alleys; and provided, that such use of the public streets in any of the cities and towns of this State shall be subject to such regulations, taxation and restrictions as may be first imposed by the corporate authorities of such cities and towns.

Laying wires.

Section 103. Every corporation in laying wires for conveying electricity or the conduits containing said wires, shall lay the same at the greatest practicable distance from the outside of any

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water or gas pipe now laid down, and when it is practicable and so provided in its permits such distance shall not be less than three feet, except in case where it shall be necessary that the said wires or conduits shall cross or intersect any such water or gas pipe.

Gas or water
companies.

Additional
powers.

Section 104. Every corporation organized under the provisions of this Act, for the purpose of the production, distribution and sale of gas to be made from coal or other materials, and also every corporation organized as aforesaid, for the supply and distribution of water, and every corporation organized as aforesaid for the transportation and storage of oil, shall in addition to the powers conferred upon corporations generally, have full authority to lay down necessary pipes, mains and conduits beneath the public roads, highways, streets, avenues and alleys of any county, city, incorporated town or district of this State; provided, however, that such pipes, mains and conduits shall be laid at least three feet below the surface of the same, and shall not in anywise unnecessarily obstruct or interfere with public travel, or damage public or private property; and provided, also, that the consent of the Council, Town Commissioners or other persons having control over the public roads, highways, streets, avenues and alleys of the county, city, town and district wherein or through which it is contemplated to lay such pipes, mains and conduits beneath such public roads, highways, streets, avenues or alleys shall first and as a condition precedent be obtained, before any such public roads, highways, streets, avenues or alleys, shall be disturbed, opened or dug up; such consent of such Council or Town Commissioners or other persons having control over such roads, highways, streets, avenues and alleys to be by ordinance of such council or commissioners duly adopted, or by resolution of such persons having control over the public roads or highways, adopted at a meeting to be held not less than thirty days after notice thereof shall have been given by notices posted up in five of the most public places on the public road or highway which is proposed to be used for the purpose aforesaid; that such use of public roads, highways or streets, avenues and alleys in any of the counties, cities, towns or districts of this State shall be subject to such terms, regulations, taxation and restrictions as may be imposed by the Council, Town Commissioners or other persons having control over the public roads and highways of the county, city, town or district, and that the portions of surfaces of the roads, highways, streets, avenues and al-

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leys disturbed in laying the said pipes shall be immediately restored to their original condition, and that any pavements, which are removed for the purpose of laying or repairing the pipes, water-mains and conduits, shall be restored to as good condition as they were previous thereto, and so maintain the same for six months after the completion of the works, and in case of failure on the part of the corporation to so restore and maintain the same, the Street Commissioner or other officer having supervision of the streets may properly restore and maintain the same, and the costs thereof may be recovered by the city or town from the corporation in any court of competent jurisdiction. Any such company mentioned in this Section may take lands, easements, and rights of way, for locating, constructing, maintaining and operating its pumps, pump houses and stations, tanks and reservoirs, hydrants and delivery stations, and offices, and for laying down its pipes, tubes, conduits, connections and branches from any points to any other points in the State, and for all necessary purposes of the corporation, including the right to cross any railroad, and the right to appropriate a right of way and locate its pipes, tubes or conduits upon, over or under, and across any lands, water streams, rivulets, canal, roads, turnpike roads or other highway in such manner as shall not interfere with the ordinary use of the same; provided, that in crossing any rivulet or other stream, the pipes, tubes and conduits shall be laid and securely suspended above flood line, or laid beneath the bed of any rivulet or other stream so crossed. Any company occupying any lands cleared and used for agricultural purposes, by laying thereon, or thereunder any of its pipes, tubes or conduits, shall bury the same at least twenty-four inches below the surface if so required by the owner of the land. In case any corporation mentioned in this Section desiring to acquire, occupy or use any lands in this State for its corporate use, cannot agree with the owner or owners thereof as to the terms and conditions of such acquisition, occupancy or use, it shall have the right to acquire, use and hold such lands in like manner as is provided in Section 81 of this Act as amended for acquiring lands for the location, construction and maintenance of railroads.

Manner of taking lands, easements, &c., for use of company.

Section 105. That any telegraph or telephone corporation organized under the provisions of this Act, shall in addition to the powers conferred upon corporations generally, have authority to occupy and use the public streets, roads, lanes, alleys, avenues,

Telegraph and telephone companies.

Additional powers of.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

turnpikes and waterways within this State, or elsewhere, if they shall extend their lines and business, for the erection of poles and wires or cable or underground conduits, portions of which they may lease, rent or hire to other like companies; provided that before entering upon any street, road, lane, alley, avenue, turnpike, or waterway, the consent of the authorities having jurisdiction thereof shall have first been obtained and the same shall be used and occupied under such rules and regulations as shall be prescribed by such authorities; and that the portions of the surfaces of the streets, avenues or alleys, disturbed in laying the wires, cables or underground conduits, shall be immediately restored to their original condition and that any pavements which are removed for the purpose of laying or repairing the wires, cables or underground conduits, shall be restored to as good condition as they were previous thereto, and so maintained for six months after the completion of the works, and in case of failure on the part of the corporation to so restore and maintain the same, the proper authorities having supervision of the streets, avenues and alleys may properly restore and maintain the same and the cost thereof may be recovered by the city, town or district from the corporation in any court of competent jurisdiction; provided that all posts or poles which shall be erected by authority herein conferred shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said roads and highways; and provided further, that all wires fastened upon posts or poles erected as aforesaid, shall be placed at the height of not less than twenty feet above all road crossings, and twenty-three feet above railroad crossings; and that no posts or poles shall be erected upon the soil or property of any person without first obtaining the written consent of the owner thereof.

Railways.
Formation.
Incorporators.
Succession.
Purposes, &c.

Section 106. Any number of persons not less than five may form a corporation under the provisions of this Act, which corporation so formed as aforesaid, shall have perpetual succession for the purpose of constructing, maintaining and operating a railway, for the transportation of freight and passengers, the carriages, coaches and cars of which, to be moved or propelled by electricity, by cable or motor or by any improved motive power other than steam and shall do and perform the several matters and things hereinafter stated and shall have and exercise all the rights, powers and privileges hereinbefore and hereinafter conferred and be subject to all the duties, limitations, restrictions

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and liabilities hereinafter imposed upon such corporations; and for that purpose may make and sign articles of association, in lieu of the articles of association hereinbefore required by the provisions of this Act, for corporations generally and for railroad corporations where steam power is used, in which shall be stated:

1. The name of corporation. Name.
2. The place from which and to which such railway is to be constructed, maintained and operated. Location.
3. The estimated length of such railway and the name of each county in this State through or into which it is intended to be made. Length.
4. The amount of the capital stock of the corporation which shall not be less than two thousand dollars for every mile of road proposed to be constructed. Capital stock.
5. The number of shares of which said capital stock shall consist. Shares.
6. The names and places of residence of the five directors of the corporation who shall manage its affairs for the first year and until others are chosen in their places; and each such person shall subscribe thereto his name, place of residence and the number of shares of stock he agrees to take in such corporation. At least one of said directors shall be a resident of this State. Directors.
7. The name of the city, town, county or place within the county, in this State, in which its principal office or place of business will be located in this State. Principal office.

Section 107. Said articles of association shall be presented to one of the Judges of the Superior Court of the State of Delaware, who shall examine the same, and if found to conform to the requirements of this Act, shall endorse his certificate thereon accordingly. On compliance with the foregoing provision and the requirements of the next succeeding section, which latter shall be evidence by the receipt of the State Treasurer, delivered to the Secretary of State, such articles of association may be filed in the office of the Secretary of State, who shall endorse thereon in writing the day they are filed, and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the Secretary of State to be filed, the persons who

Approval of
articles by
Judges.

Filing, record-
ing, etc.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

have so subscribed such articles of incorporation and all persons who shall become stockholders in such corporation shall be a corporation by the name specified therein; every such corporation formed under this Act, in addition to the general powers hereinbefore in this Act set forth, shall have power:

Additional powers.

Selection of route, &c.

1. To have authority, by its officers and servants, to enter upon the lands or waters of any person or persons, which may be necessary, to make such examination and surveys for its proposed railway as shall be required to be made, in the selection of the most advantageous route, but subject at all times to responsibility for all and any damages which shall be done to the property of any such person or persons.

Property, &c.

2. To aid in the construction, operation and maintenance and accommodation of its railway, may take and hold such voluntary grants of real estate and other property as shall be made to it, but in all instances, the real estate received as a voluntary grant shall be held and used for the purpose of such grant only.

3. For the sole purpose of the construction, operation and maintenance of its railway, and the stations and other accommodations necessary to accomplish the object of its incorporation, it may purchase, hold and use all such real estate and other property as may be necessary.

4. To construct its road and lay out the same as hereby provided and for the purpose of cuttings and embankments to take as much more land as may be necessary or required for the proper construction and security of the road.

5. To use and exercise all other rights and powers hereby granted.

\$500 per mile of proposed road, to be deposited with State Treasurer.

Section 108. Articles of association, in compliance with the provisions of Sections 106 and 107 of this Act as amended shall not be filed and recorded in the office of the Secretary of State until at least five hundred dollars of stock for every mile of railway proposed to be made is subscribed thereto and paid, in good faith and in cash, to the directors named in said articles of association, nor until the directors shall have deposited the said money so subscribed and paid to them with the State Treasurer, who is constituted the custodian of the same, and shall hold the same, subject to be repaid to the directors of the said corporation, or to the treasurer thereof, in sums of five hundred dollars for each mile of said railway, upon the construction of

Payment of money by State Treasurer.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

which it shall be proved, to his satisfaction, that the said corporation has expended at least the sum of five hundred dollars, nor until there is endorsed on such articles of association, or annexed thereto, an affidavit, made by at least three of the directors named in said articles of association, that the amount of stock required by this section has been in good faith, subscribed and paid in cash as aforesaid, and that it is intended, in good faith, to construct or maintain and operate the railway mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

Section 109. The directors named in said articles of association, may, when such articles of association and affidavit are filed and recorded in the office of the Secretary of State, in case the whole of the capital stock is not before subscribed, continue to receive subscriptions until the whole capital stock is subscribed; at the time of subscribing every subscriber shall pay to the directors ten per centum on the amount subscribed by him, in money, and no subscription shall be received or taken without such payment.

Section 110. That there shall be a board of not less than five directors of every corporation formed under this Act for the purpose of constructing and operating railways, to manage its affairs. Said directors shall be chosen annually in the same manner that is provided for the choosing of directors for railroads as provided in Section 78 of this Act as amended, and the inspectors to hold the first election shall be appointed by the board of directors named in the articles of association; no person shall be a director unless he shall be a stockholder owning stock absolutely in his own right, and qualified to vote at the election at which he shall be chosen; at every election of directors the books and papers of such company shall be exhibited to the meeting and subject to the inspection of those present, provided a majority of the stockholders present shall require it.

Section 111. That within thirty days after the articles of association are filed in the office of the Secretary of State, the directors therein named shall organize by the election of one of their number president; they may also elect a treasurer and secretary and adopt such by-laws as may appear to be proper and right for the government of the corporation.

Section 112. That the stock of every company formed under this Act shall be deemed personal estate and be transferable

Subscriptions to capital stock.

Directors, number, &c.

Election of.

Section 78 to apply.
Inspectors.
Qualification of directors.

Exhibition of books.

Organization.

Election of officers.

By-laws.

Stock, personal estate.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

- in the manner prescribed by the by-laws of the company, but no share shall be transferable until all previous calls thereon shall have been paid.
- Transfer of.**
- Assessment of damages for required land, &c.** Section 113. Whenever any corporation created under this Act, for constructing, maintaining and operating a railway, cannot agree with the owner or owners of any land, sand, earth, gravel or other materials necessary to be taken and used in the construction of the said railway, for the purchase thereof, the said corporation may proceed for the condemnation thereof in the manner provided for in Section 81 of this Act as amended, in relation to railroads; and when the damages ascertained therefor in the manner provided in said section shall have been paid or deposited in the proper bank as therein provided, the corporation shall become entitled to have, hold, use and enjoy the said lands and materials for the purpose by them required, forever.
- Section 81 to apply.**
- Width of road.** Section 114. That any railway constructed under the provisions of this Act shall not exceed forty feet in width, unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails, as such corporation may deem necessary, and it shall be lawful for such corporation, its agents, engineers, superintendents, or others in its employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such railway, and of locating the same, and all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railway and the location or locations of all other works, buildings, conveniences, appurtenances and appendages thereof, shall have been determined upon, and a survey of any such route or routes, location or locations deposited in the office of the Secretary of State, then it shall be lawful for every such corporation formed under this Act, upon payment or tender of such compensation as hereinbefore provided by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a railway with a single or double track, with such side tracks, turnouts, offices, stations and depots as they may deem necessary at and between the places named in the articles of association, and from time to time, either before or after completion of the main line, construct, maintain and operate branches within the limits of any county through which
- Entry on lands.**
- Survey, &c., filed.**
- Payment for lands, &c.**
- Construction of roads.**

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said railway may pass, lay rails, and for that purpose to enter upon, take possession of, hold, have, use, occupy and excavate any lands, and erect any embankments, bridges and all other necessary works, and to do all other things which may be suitable for the completion, repairs or management of said railway, and for the conveyance of passengers and freight to and from the termini thereof by motive power other than steam; provided, always, that the payment or tender of payment of all damages for the occupancy of all lands through, under or upon which the said railway and its conveniences, appurtenances and appendages may be laid out or located be made before the said corporation, or any person under its direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railway and its conveniences, appurtenances and appendages and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained; and provided further, that the survey of the route of any branch shall not be filed in the office of the Secretary of State until the officers or directors of the corporation shall have deposited with the State Treasurer a sum equal to at least five hundred dollars for every mile, and a proportionate sum for any distance less than a mile, of such branch which it is proposed to construct, and the said treasurer shall be custodian of such fund, and shall hold the same subject to be repaid to the directors or treasurer of such company in sums of five hundred dollars for each mile and a proportionate sum for any distance less than a mile, of such branch upon the construction of which it shall be proved to his satisfaction that such amount has been expended; and provided further, that the construction of all such branches shall be commenced within six months from the date of filing the survey thereof as aforesaid, and shall be completed and opened within two years from the date of the commencement of the construction as aforesaid.

Deposit of \$500
per mile.

Time of com-
mencement and
completion.

It shall also be lawful for any railway company of this State, whether created by prior special act or under this Act, to straighten, widen or otherwise improve the whole or portions of its line or lines of railway and the structures and appurtenances thereof, in such manner, and to such extent as its Board of Directors may determine upon, whenever, in the opinion of such board, the same may be necessary for better securing the safety of persons and property and increasing the facilities and capacity for

Power of rail-
way company
to widen lines.

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the transportation of its traffic, and to acquire all land and materials necessary therefor by agreement with the owner or owners, or, on failure to so agree, in the manner and by the proceedings prescribed by Section 81, as provided in Section 113, of this Act.

Bridges and passages.

Wagon ways.

Cattle guards.

Crossing streets, &c.

Section 115. It shall be the duty of every railway corporation organized under this Act, to construct and keep in repair good and sufficient bridges and passages over, under or across the said railway or right of way where any public or other road, street or avenue now or hereafter laid out shall cross the same, so that public travel on the said road shall not be impeded thereby; and it is further provided, that such bridges shall be of such width and character, as shall be suitable to the locality in which the same are situated; and also where the said railway shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagonways over, under and across the said railway, and shall also construct and maintain suitable and proper cattle guards at all road crossings; provided always, that in case any such railway shall cross any street or streets, highway or highways, in any city or incorporated town, it shall be either above or below the grade of said street or streets, highway or highways, at such distance as shall not interfere with the free and uninterrupted use of such street or streets, highway or highways; provided, further, that the Council of any city or the Commissioners of any incorporated town, or other persons having authority or control over said highways and streets respectively may grant permission to said corporation to cross such street or streets, highway or highways, within the limits of the respective city or incorporated town at grade, if they shall deem it to be for the best interest of the city or incorporated town; and further provided, that in the event that such corporation shall not, within a reasonable time after notification from the Council of the city or Commissioners of the incorporated town or other persons having authority or control over said highways and streets respectively in which such bridges and passages are to be constructed or repaired, proceed to construct or repair the same as required by this Act, the said Council or Commissioners or other persons having authority or control over said highways and streets respectively, may in the corporate name of such city or town, institute proceedings in the Court of Chancery against such corporation to compel the specific performance of the duties imposed upon such corporation by this section of this Act, and

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in case a decree shall be made against such corporation in said proceedings, commanding it to specifically perform said duties within such time, the Chancellor, upon proof of such neglect or refusal, may in his discretion, issue a writ of injunction to restrain said corporation from the exercise of any franchise or the transaction of any business in this State until the said corporation shall have obeyed the command of such decree and paid the costs of said proceedings; and further provided, that the said Council or Commissioners or other persons having authority or control over said highways and streets respectively, in the event of the failure of such corporation to construct or repair such bridges or passages within a reasonable time after notification as aforesaid, may, if they deem it advisable so to do, proceed themselves to construct and repair such bridges or passages, and when the costs thereof shall have been ascertained, the same may be collected of and from said corporation by said Council or Commissioners or other persons having authority or control over said highways and streets respectively, by an action at law in any court of competent jurisdiction; provided further, that the permission of the Council of any city or the Commissioners of any incorporated town or other persons having authority or control over said highways and streets respectively, hereinbefore referred to, shall not be necessary for the purpose of crossing any street or streets, highway or highways, at grade, unless said street or streets, highway or highways, at the point where said railway shall cross or at some point between the crossing of said railway and the nearest terminus of said street or streets, highway or highways, shall be in actual use by and for pedestrians and teams at the time of the acquirement of the right of way of said railway across such street or streets, highway or highways.

Section 116. That any railway corporation created under this Act, which shall have duly located the route of its railway by a survey deposited in the office of the Secretary of State, as required by Section 114 of this Act as amended, shall have power in the construction of its said railway on such route, to cross any canal, navigable stream or water course between its termini, but in such manner as not unnecessarily to impede the navigation and use thereof; and shall also have power to cross any railway or railroad intervening between such termini and acquire the necessary easement for such crossing either by agreement with the corporation owner thereof, or on failure to agree, by con-

Crossing
streams, &c.

Crossing rail-
roads or rail-
ways.

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demnation proceedings in the manner prescribed by Section 81 of this Act as amended. Provided, however, that whenever practicable so to do the crossing of any railroad at grade shall be avoided, but if not practicable, the crossing may be at grade, subject to the further provision in this section contained, and in that event, it shall be the duty of the corporation whose railway track or tracks shall cross the track or tracks of the railroad company, to so construct its railway track or tracks, as that on each side of the right of way of the railroad company so crossed and at a safe and convenient distance therefrom, there shall be a disconnection in each rail of the railway tracks capable of being connected by means of a switch arrangement whereby the said railway tracks may be made continuous for the passage of the cars of the railway company over the right of way and tracks of the railroad company, which shall be operated at the expense of the railway company by a competent agent thereof who shall always be on duty at said crossing for this purpose; and provided further, that no such grade crossing shall be permitted or effected until the question of the practicability of an overhead or under-grade crossing shall have been considered and determined by the Chancellor, who shall upon the petition or bill of the company, desiring to effect such crossing at grade, have full power and jurisdiction upon notice to, and answer by the company whose tracks are proposed to be so crossed to hear, and, determine the matter by an appropriate decree, either refusing or permitting the crossing at grade, and if permitted, to prescribe and regulate by such decree the manner and character of the said crossing, together with such safeguards against collisions thereat in addition to those by this section provided for as he may deem proper with the right of appeal from the Chancellor's decree to the Supreme Court by either party as in other cases in equity; and provided further, that any railway may cross any other railway either at grade, or overhead or under grade by an adequate structure, which, if under grade, shall be so located and constructed as not to disturb the road bed so intersected, or, if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of the cars on the railway so crossed.

Section 117. That any corporation created under this Act for the purpose of constructing a railway, shall commence the proposed construction within six months from the date of its or-

Grade crossings
to be avoided.

Switches, &c.

Time of com-
mencement and
completion.

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ganization and complete at least, one track of said railway within two years from the date of commencement, as aforesaid; provided, that if any such company or corporation organized under this Act shall fail to comply with the provisions of this section, it shall thereby forfeit the franchises given it by this Act; provided, further, that if any such corporation organized under this Act, shall be restrained, prevented or enjoined by any proceedings whatever at law or in equity from prosecuting the work on its railway, or from opening or completing its said railway, the time during which any such corporation shall be so restrained, prevented or enjoined shall not be taken or computed as any part of the time allowed and limited in this section for the opening and completing of said railway.

Section 118. Any corporation organized under this Act for the construction and operation of a railway, shall have power to borrow such sums of money, from time to time, not exceeding in the aggregate double the amount of its full paid capital stock as shall be necessary to build, construct or repair its railway, and furnish all necessary cars and equipments for the use and objects of said corporation, and to secure the repayment thereof by the execution, negotiation and sale of any bond or bonds, secured by mortgage on said lands, privileges, franchises and appurtenances of and belonging to the said corporation; provided that said corporation shall not plead any statute or statutes against usury in any court of law or equity, in any suit instituted to enforce the payment of any bond or mortgage executed under the provisions of this section; and provided further, that said bonds and mortgages shall constitute a first lien on the railway, its cars, real estate and franchises, and the proceeds of said bonds shall be used for the purpose of aiding in the construction and operation of said railway; and provided further, that if any person or persons, shall issue such bonds to any greater amount than double the amount at the time of such issue that shall have been actually paid up on the capital stock of such railway, he, she or they, shall be guilty of a misdemeanor and shall be punished by a fine of not less than two thousand dollars, or by imprisonment for not more than three years or by both, at the discretion of the court.

Power to borrow money.

Purposes.

Security.

First lien.

Limit of amount of bonds.

Section 119. The provisions of Section 87 of this Act, as amended, shall be applicable to all railways that may be located

Section 87 to apply.

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and constructed under this Act elsewhere than on turnpikes, highways or public roads.

Injuring property of road.

Section 120. Any person who wilfully or maliciously obstructs any railway company in the legal use of its tracks, or delays the passing of the cars or railway carriages thereon or aids or abets such detention or delay, shall be punished by a fine not exceeding fifty dollars, to be by it recovered in any court having competent jurisdiction in an action of debt; and further shall be liable for all damages sustained.

Penalty.

Signal boards.

Section 121. Every railway corporation formed under this Act shall cause signal boards, well supported by posts, or otherwise, at such heights as to be easily seen by travelers, and not obstructing travel, containing on each side in capital letters, at least five inches high, the following inscription: "RAILWAY CROSSING," to be placed and constantly maintained, at such public highway where it is crossed by the railway at the same level; but such boards need not be put up in the cities or towns, unless required by the authorities thereof.

Failing to comply.

Any corporation failing to comply with or violating or permitting any of its employes or agents to violate any of the provisions of this section, shall in addition to subjecting itself to any damages that may be caused by such failure or violation, be guilty of a misdemeanor and upon conviction thereof, be fined for each failure or violation, not less than one hundred dollars nor more than five hundred dollars.

Penalty.

Annual report to stockholders.

Section 122. It shall be the duty of every railway corporation created under the provisions of this Act, to make an annual report to the stockholders of its operations during the year, which report shall be verified by the affidavit of the secretary and treasurer and shall state:

The entire length of the railway in operation, the length of single track and the length of double track;

The full amount of the capital stock actually subscribed and the full amount paid thereon;

The entire amount of the actual cost of the railway, showing the amount expended for the right of way, bridging, grading, iron and building respectively, and for all other purposes incidental to the construction of such railway;

The nature and amount of its indebtedness, distinguishing

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the first, second and third mortgage bonds, and the unsecured indebtedness and the amount due the corporation;

The amount received from all sources whatever and the full amount expended for all purposes;

The entire amount paid for loss and damage to freight and injury to person and property;

The full number and amount of dividends and when made and in what manner such dividends have been paid;

The entire amount appropriated to sinking fund and the manner in which the same has been applied, and the total amount then held by such sinking fund; the secretary of each railway corporation, formed as aforesaid, shall mail to every stockholder thereof, whose postoffice address is known, a copy of said annual report and shall file a certified copy thereof with the Secretary of State on or before the expiration of fifteen days. Filing copy.

Section 123. It shall be lawful for any railway company of this State, whether created by prior special Act, or under this Act, to consolidate with any other railway incorporated under the laws of this State or any other State, or of the United States, whose railway within or without this State shall connect, or form a continuous line, with the railway of the company so consolidated. Such consolidation shall be made in the manner and by the proceeding in this Act prescribed; and the corporation created thereby shall be possessed of, exercise and enjoy all the rights, powers and privileges which this Act confers upon consolidated companies; and it shall likewise be possessed of, exercise and enjoy all the franchises, rights, powers, privileges, immunities and benefits which any corporation of this State constituent thereof was possessed of or entitled to exercise under its charter or any law of this State; and shall be subject, within this State, to the conditions and restrictions imposed by its charter, or any corporation of this State, constituent thereof. Consolidation of connecting railway companies. Manner of Powers.

Section 124. Every railway corporation organized under this Act shall be required, upon filing its certificate, to pay to the Secretary of State the fees hereinafter provided for; and also pay such tax or taxes as are or may be imposed by law or by any authority having jurisdiction. Fees to State. Other taxes.

Section 125. That no railway shall be authorized or empowered hereunder nor shall any consent or authorization of any

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Street not to be used where other track is laid and road in operation. board of officials, city, county or hundred, be held to authorize any railway to be constructed, maintained or operated upon any street upon which any track is laid and the road is in operation at the time when such authority or consent is asked for.

Railroads and railways may erect telegraph and telephone lines.

Section 126. That it shall be lawful for every railroad or railway corporation organized under the provisions of this Act or existing under the laws of this State and they are hereby authorized and empowered to erect, establish and maintain a line or lines of telegraph or telephone for their own use, along and upon the lands and right of way of such railroad or railway corporations.

Certain words defined.

Section 127. Whenever the words "DIRECTORS" and "MANAGERS" appear in any of the provisions of this Act, they shall be construed to be synonymous terms; and whenever the word "RAILROAD" occurs it shall be construed to be a road, the engines, cars, carriages and coaches on which are propelled by steam power; and whenever the word "RAILWAY" occurs, it shall be construed to be a road, the cars, carriages and coaches on which are propelled by electricity, by cable, motor or by any improved motive power, other than steam.

Copies, &c., evidence.

Section 128. That a copy of any articles of association for the construction of railways filed and recorded in pursuance to the provisions of this Act, or of the record thereof, with a copy of the affidavit aforesaid, endorsed thereon or annexed thereto, and duly certified to be a copy by the Secretary of State, shall be presumptive evidence of the incorporation of such corporation and of the facts therein stated.

State Fees.

Section 129. On filing any certificate or other paper, relating to corporations, in the office of the Secretary of State, the following fees and taxes shall be paid to the Secretary of State, for the use of the State; for certificate of incorporation fifteen cents for each thousand dollars of the total amount of capital stock authorized, but in no case less than twenty dollars, and when any certificate of increase of the capital stock shall be filed as required by this Act, the Secretary of State shall demand and receive for the use of the State, fifteen cents on each one thousand dollars of such increase, but in no case less than twenty dollars; and when two or more corporations shall consolidate or merge, he shall demand and receive for the use of the State fifteen cents on each one thousand dollars of capital stock

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authorized beyond the total authorized capital of the corporations consolidated or merged, but in no case less than twenty dollars.

Upon receiving and filing a certificate of dissolution, change of name, amended certificates of organization, or decrease of capital stock, or decrease of the number of shares he shall demand and receive twenty dollars. All other certificates five dollars. Provided that in case of corporations solely for religious or charitable purposes the tax shall not be charged or collected. Exemptions.

The fees of the Secretary of State under this Act shall be as follows:

For certified copies, the same as is now provided by law for the Secretary of State for certificates and copying; for receiving, filing and indexing certificates, statements, affidavits, decrees, agreements, surveys, reports and any other papers provided for by this act two dollars in each case; for recording and indexing certificates, articles of association and other papers required by this Act to be recorded by the Secretary of State the same fees as are now provided by law for the recording of deeds. Fees of Secretary of State.

Section 130. For all purposes of title, action, attachment, garnishment and jurisdiction of all courts held in this State, but not for the purpose of taxation, the situs of the ownership of the capital stock of all corporations existing under the laws of this State whether organized under this Act or otherwise, shall be regarded as in this State. Situs of ownership of capital stock, but not for the purpose of taxation.

Section 131. Any corporation, existing under the laws of this State, may, at any time before the expiration of the time limited for its existence, procure a renewal of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing debts, duties and liabilities, secured or imposed by its then existing charter, by filing a certificate of its President and Secretary, duly sworn or affirmed to by such officer before any person authorized by the laws of this State to administer oaths or affirmations, with the Secretary of State; which certificate shall set forth: Renewal of existing corporations. Certificate, filing, &c. Contents of certificate.

1. The name of the corporation, which shall be the existing name of said corporation at the time of such renewal; Name.
2. The name of the city, town or place within the county in which its principal office or place of business is located in this State; Place.

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Date. 3. The date when such renewal is to commence, which date shall be prior to the date of the expiration of the charter desired to be renewed, whether or not such renewal is to be perpetual, and, if not perpetual, the time for which such renewal is to continue;

Purpose. 4. That the corporation desiring to renew and so renewing its charter is duly organized and carrying on the business authorized by its existing charter.

When filed, recorded, &c. Section 132. Such certificate for the renewal and continuance of the existence of any such corporation shall be filed in the office of the Secretary of State, who shall furnish a certified copy of the same under his hand and seal of office; said certified copy shall be recorded in the office of the Recorder of the county in which the principal office of said corporation is located in this State, in a book kept for the purpose; and said certificate or a certified copy thereof duly certified under the hand of the Secretary of State and his seal of office accompanied with the certificate of the Recorder of the County wherein the same is recorded under his hand and seal of his office, stating that it has been recorded, the record of the same in the office of the Recorder aforesaid, or a copy of said record duly certified by the Recorder aforesaid, or the record of such certified copy recorded in the Recorder's office aforesaid, shall be evidence in all courts of law and equity of this State.

Evidence.

State fees. Section 133. Upon the renewal of the existence of any corporation it shall pay to the Secretary of State, for the use of the State, a tax of twenty dollars before the delivery of a certified copy of its certificate of renewal by him to it.

Provisions of this Act to apply. Section 134. Any corporation, desiring to renew, extend and continue its corporate existence, shall upon complying with the provisions of Sections 131, 132 and 133 of this Act as amended, and with the provisions of Section 2 of Article 9 of the Constitution of this State, be and continue for the time stated, in its certificate of renewal a corporation and shall, in addition to the rights, privileges and immunities conferred by its original charter, possess and enjoy all the benefits of this Act, which are applicable to the nature of its business, and shall be subject to the restrictions and liabilities by this Act imposed on such corporations.

Section 135. Any corporation organized under the laws of this State, whether created by this Act, special Act of the Legis-

GENERAL PROVISIONS RESPECTING CORPORATIONS.

lature, or general law, may guarantee, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of, the shares of the capital stock of, or any bonds, securities or evidence of indebtedness created by any other corporation or corporations of this State, or any other State, country, nation or government, and while owner of said stock may exercise all the rights, powers and privileges of ownership including the right to vote thereon.

Power of corporations of this State, however created, to hold or dispose of stock, bonds, &c., of other companies.

Section 136. No corporation or corporations issuing bonds under the provisions of this Act, shall plead any statute or statutes against usury in any court of law or equity in any suit instituted to enforce the payment of such bonds or mortgages.

Corporations may not plead usury in suits for payment of bonds issued.

Section 137. The board of directors of any corporation, organized under the laws of this State, may change the location of the principal office of such corporation within this State to any other place within this State by resolution adopted at a regular or special meeting of such board.

Board of Directors may change location of principal office.

Upon the adoption of a resolution as aforesaid, a copy thereof shall be filed in the office of the Secretary of State, signed by the President and Secretary of such corporation, and sealed with its corporate seal; and a certified copy recorded in the office of the Recorder in and for the county to which said principal office is removed; for filing the said certificate, the Secretary of State shall charge a fee of five dollars, provided, that no certificate shall be required to be filed or recorded of the removal of any office from one point to another in the same town, city or county in this State.

Method of procedure.

Section 138. Whenever any notice whatever, is required to be given under the provisions of this Act, a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

Waiver of notice.

Section 139. All laws or parts of laws inconsistent with the provisions of this Act, are hereby repealed; provided, however, that all rights, privileges and immunities vested or accrued by and under prior laws, all suits pending, all rights of action conferred, and all duties, restrictions, liabilities and penalties imposed or required by and under laws prior hereto shall not be impaired, diminished or affected hereby.

Section 140. This Act may be amended or repealed, at the

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pleasure of the Legislature, but such amendment or repeal shall not take away or impair any remedy against any corporation created under this Act, or its officers, for any liability which shall have been previously incurred; this Act and all amendments thereof shall be a part of the charter of every such corporation except so far as the same are inapplicable and inappropriate to the objects of such corporation.

Approved March 10, A. D. 1899.

Amended and approved March 7, A. D. 1901.

Amended and approved March 17, A. D. 1903.

 CHAPTER 395.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT IN RELATION TO FOREIGN CORPORATIONS DOING BUSINESS IN THIS STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That it shall not be lawful for any corporation created by the laws of any other State, or the laws of the United States, to do any business in this State through or by branch offices, agents or representatives located in this State, until it shall have filed in the office of Secretary of State of this State a certified copy of its charter and the name or names of its authorized agent or agents in this State, together with a sworn statement of the assets and liabilities of such company or corporation, and paid to the Secretary of State, for the use of the State, Fifty dollars (\$50); and the certificate of the Secretary of State under his seal of office, of the filing of such charter, shall be delivered to such agent or agents upon the payment to said Secretary of State of the usual fees for making certified copies; the said certificate shall be prima facie evidence of such company's right to do business in this State.

Duty of foreign corporations.

Certificate of Secretary of State prima facie evidence of right to do business.

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Section 2. That it shall be the duty of the Secretary of State after issuing the certificate aforesaid, and delivering the same to the agent or agents of said foreign corporation to issue a certificate to the Prothonotary of the Superior Court of each County of the State of Delaware, containing the name of the agent or agents of the said foreign corporation, and the State wherein incorporated.

Duty of Secretary of State.

Section 3. The Prothonotary of the Superior Court of the State of Delaware in each County of this State shall procure and keep a book, which is hereby named "Record of Agents of Foreign Corporations," and shall enter and record therein the name of every Foreign Corporation, certified by the Secretary of State as aforesaid, the name of such person or agent, the name of the State in which said corporation is incorporated, and the date of the filing of such certificate in the office of the Secretary of State; and for making the above entries the Prothonotary making the same shall receive from each foreign corporation a fee of one dollar, to be collected from each corporation aforesaid, and paid over by the Secretary of State.

Duty of Prothonotary.

Section 4. That all process sued out in this State in any Court of this State against such corporation, all orders made by any Court of this State, all rules and notices of any kind required to be served on or given to any such corporation, may, after the first day of May, A. D. 1903, be served on or given to such person or agent so certified as aforesaid, and such service or notice shall be as effectual and shall operate as if it had been served on or given to said corporation.

Service to be upon agent.

Section 5. Any such foreign corporation, by filing a certificate of the same kind and nature, executed as aforesaid, may change such agent or person and substitute another person or agent for the purposes aforesaid, provided, however, every such person or agent mentioned in this act shall at the time of his appointment be a resident of this State. And provided further, however, if any person or agent designated and certified as prescribed in this act, shall die or remove from this State, then the foreign corporation for which such person or agent had been so designated and certified shall, within ten days after the death or removal as aforesaid of such agent or person, substitute, designate and certify to the Secretary of State, the name of another person or agent for the purposes aforesaid, and all process, orders, rules

May change name of agent.

In case of death or removal of agent, to certify another agent.

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and notices mentioned in Section 4 of this act, may be served on or given to such substituted person or agent with like effect as is prescribed in said Section 4 of this Act.

Corporation failing to comply with law guilty of misdemeanor.

Section 6. That any foreign corporation engaging in, prosecuting, or transacting any business of any kind within the limits of this State on and after the first day of May, A. D. 1903, without first having complied with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Two hundred dollars nor more than five hundred dollars for each and every offence. Any agent of any foreign corporation that shall transact any business within the limits of this State for any foreign corporation before such foreign corporation has complied with all the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each and every offence.

Agent of such corporation guilty of misdemeanor.

Fine.

Not to possess banking powers.

Section 7. That no foreign corporation as aforesaid, shall, within the limits of this State, by any implication or construction, be deemed to possess the power of discounting bills, notes, or other evidence of debt, of receiving deposits, of buying gold or silver bullion or foreign coin, of buying and selling bills of exchange, or of issuing bills, notes or other evidences of debt upon loan for circulation as money, anything in its charter or articles of incorporation to the contrary thereof notwithstanding.

Duty of Secretary of State to set forth proviso in all certificates issued under this Act.

And all certificates to be hereafter issued by the Secretary of State under the provisions of this act shall expressly set forth the limitations and restrictions contained in the preceding proviso.

Not to apply to insurance companies.

Section 8. That the provisions of this Act shall not apply to insurance companies doing business in this State.

Not to affect corporations that have already complied with existing laws.

Section 9. That Chapter 513, Volume 20, Laws of Delaware, and Chapter 703, Volume 19, Laws of Delaware, be and the same are hereby repealed; provided, that any foreign corporation which has already complied with the laws of this State in relation to foreign corporations, shall not be required to comply with the provisions of this Act so far as the payment of the said sum of Fifty dollars is concerned.

Section 10. This shall be deemed and taken to be a public Act.

Approved March 23, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 396.

OF THE CITY OF WILMINGTON.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO PROVIDE FOR A MUNICIPAL POLICE COMMISSION FOR THE CITY OF WILMINGTON," BEING CHAPTER 731, VOL. 19, LAWS OF DELAWARE, BY AUTHORIZING MEMBERS OF THE POLICE FORCE OF THE CITY OF WILMINGTON TO RECEIVE COMPENSATION AND REWARD, IN ADDITION TO THEIR REGULAR SALARIES, FOR SERVICES ON THE POLICE FORCE OR AS AN INFORMER, UPON A RESOLUTION TO THAT EFFECT DULY PASSED BY THE BOARD OF POLICE COMMISSIONERS FOR THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch thereof therein concurring):

Section 1. That Section 6, of Chapter 731, Vol. 19, Laws of Delaware, being an Act entitled "An Act to Provide for a Municipal Police Commission for the City of Wilmington," passed at Dover, April 18, 1893, be and the same is hereby amended by inserting after the word "position" and before the word "any" in the thirty-ninth line of said Section 6 the words "unless upon a resolution duly passed by a majority vote of the Board of Police Commissioners recommending the same." Additional compensation allowed under certain conditions.

Section 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 7, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 397.

OF THE CITY OF WILMINGTON.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR A MUNICIPAL POLICE COMMISSION FOR THE CITY OF WILMINGTON," PASSED AT DOVER APRIL 18, 1893, BEING CHAPTER 731, OF VOLUME 19, LAWS OF DELAWARE, BY PROVIDING FOR AN INCREASE IN THE SALARIES OF THE CHIEF OF POLICE, THE TWO CAPTAINS OF POLICE, THE TEN SERGEANTS OF POLICE AND THE ORDINARY POLICEMEN OF THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch thereof therein concurring):

Increase of
salary of Police
Officials, and of
Policemen.

Section 1. That Section 6 of the Act entitled, "An Act to provide for a Municipal Police Commission for the City of Wilmington," passed at Dover April 18, 1893, being Chapter 731, of Vol. 19, Laws of Delaware, be and the same is hereby amended by striking out the word, "Twelve" in the twenty-eighth line of said section 6 and inserting in lieu thereof the word "eighteen": by striking out the word "nine" in the twenty-ninth line of said section 6 and inserting in lieu thereof the word "twelve": by striking out the words "eight hundred" in the thirtieth line of said section 6 and inserting in lieu thereof the words "one thousand," and by striking out the words "seven hundred and sixty" in the twenty-fourth and twenty-fifth lines of said section 6 and inserting in lieu thereof the words "nine hundred."

The provisions herein contained shall take effect and be in force immediately from and after the date of the passage of this Act.

Section 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 16, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 398.

OF THE CITY OF WILMINGTON.

AN ACT TO AUTHORIZE THE MAYOR AND COUNCIL OF WILMINGTON TO INDEMNIFY AND KEEP HARMLESS E. I. DUPONT DE NEMOURS AND COMPANY, ITS SUCCESSORS AND ASSIGNS, FROM ALL LIABILITY FOR DAMAGE TO PROPERTY, REAL OR PERSONAL, OR FOR PERSONAL INJURY, OR LOSS OF LIFE, OCCASIONED TO PROPERTY OR PERSONS WHILE USING, OR BEING ON THE WATER TOWER IN ROCKFORD PARK, IN THE CITY OF WILMINGTON, OR ON GROUND CONTIGUOUS THERETO, BY REASON OF EXPLOSION OCCURRING ON, OR NEAR THE PROPERTY NOW OR HEREAFTER BELONGING TO SAID COMPANY.

Whereas, certain lands have been conveyed by the late firm of E. I. duPont de Nemours and Company to the Mayor and Council of Wilmington to be held in trust forever under certain provisions in said trust deed set forth, said lands being near to certain other lands now belonging to E. I. duPont de Nemours and Company, a corporation existing under the Laws of the State of Delaware; Preamble.

And Whereas, the Mayor and Council of Wilmington has caused to be built and erected upon said lands in Rockford Park so conveyed to it a certain water tower, and is desirous of having the said lands, and the said water tower, open for the use and entertainment of the public, notwithstanding the provisions contained in said deed conveying the same to the said Mayor and Council of Wilmington; Preamble.

And Whereas, the E. I. duPont de Nemours and Company have expressed a willingness to waive the condition and provision of said deed, in relation to the said lands, provided the said Mayor and Council of Wilmington shall indemnify and forever save harmless the said E. I. duPont de Nemours and Company, its successors and assigns, of, and from all liability for damage to property, real or personal, or for personal injuries, or loss of life resulting to persons, or property, while using or upon said Preamble.

OF THE CITY OF WILMINGTON.

lands and premises, by reason of any explosions occurring in the mills, or on other property now or hereafter of the said Company;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch thereof concurring therein):

Indemnity of
E. I. duPont de
Nemours and
Company.

Section 1. "That the Mayor and Council of Wilmington be, and it is hereby given full power and authority and is hereby fully authorized at any time hereafter to indemnify and keep harmless the said E. I. duPont de Nemours and Company, its successors and assigns, of, and from all liability for damage or injury to property, real or personal, or for personal injury, or loss of life happening to property or persons while on the lands and premises mentioned in the said deed, by reason of any explosions occurring on, or near property now or which may hereafter belong to said E. I. duPont de Nemours and Company, its successors or assigns."

Approved March 31, A. D. 1903.

CHAPTER 399.

OF THE CITY OF WILMINGTON.

AN ACT TO AUTHORIZE THE MAYOR AND COUNCIL OF WILMINGTON, DELAWARE, TO APPROPRIATE MONEY FOR "BRANDYWINE FIRE COMPANY NO. 10, OF WILMINGTON, DELAWARE."

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of the members of each branch thereof concurring therein):

Preamble.

Whereas, "Brandywine Fire Company No. 10, of Wilmington, Delaware," incorporated under the laws of the State of Delaware, and has been duly recognized by the City Council of the City of Wilmington, Delaware, as part of the Fire Department

OF THE CITY OF WILMINGTON.

of said City and has established itself in said City with appropriate apparatus for extinguishing fires ;

Section 1. That the Mayor and Council of the City of Wilmington, Delaware, are hereby authorized and empowered to make an allowance or appropriation to Brandywine Fire Company No. 10, of Wilmington, Delaware, as a recognized part of the Fire Department of said City of Wilmington, the appropriation to be the sum of \$2,500.00 per annum.

Appropriation
to Brandywine
Fire Company.

Section 2. This shall be a public act.

Approved February 2, A. D. 1903.

CHAPTER 400.

OF THE CITY OF WILMINGTON.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A GAS INSPECTOR FOR THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein) :

Section 1. From and after the first day of May A. D. 1903, the Inspector of Plumbing, of the City of Wilmington, shall assume the duties of Gas Inspector in and for the said City, and shall perform the duties hereinafter provided for.

Inspector of
Plumbing to be
also Gas In-
spector.

Section 2. Before entering upon the duties of his office, the said Gas Inspector shall give bond to "The Mayor and Council of Wilmington," with good and satisfactory security, in the sum of one thousand dollars, conditioned for the faithful performance of his duties, such bond to be approved by the said Council of the City of Wilmington.

Bond of.

Section 3. He shall receive as Gas Inspector, the sum of Five Hundred Dollars per year, payable monthly.

Salary.

OF THE CITY OF WILMINGTON.

City Council
may appoint
assistant.

Section 4. Should the Gas Inspector at any time require the services of an assistant, he shall report the facts to the City Council, and the said Council may, if in their judgment they deem it necessary, appoint an assistant for such time and at such salary as they may determine.

Mayor and
Council direct-
ed to promul-
gate suitable
rules for gov-
ernment of
office.

Section 5. The said Mayor and Council of Wilmington, shall have power and are hereby authorized and directed to adopt and promulgate suitable rules and regulations, governing and regulating gas pipes and fittings in the City of Wilmington, in buildings that may hereafter be erected, and provide for the enforcement of such rules and regulations, and further make provision for the punishment of person or persons who shall refuse or neglect to comply with the same.

May make ad-
ditional rules
for gas pipes,
&c.

Section 6. The said Mayor and Council of Wilmington may also, by rules and regulations, establish a system of inspection and supervision of Gas pipes, fittings and fixtures, in buildings now erected.

Gas Inspector
to make daily
test of gas as to
power.

Section 7. The Gas Inspector shall make a daily inspection and test of the gas as to candle power and report the result of said test to the Council monthly.

Inspection of
meter upon
application of
consumer.

Section 8. Any consumer of gas can have his meter tested under the supervision of the Gas Inspector upon filing application for same. If meter proves correct in accordance with United States Standard, the applicant shall pay costs of said test, provided however the cost shall not exceed fifty cents. If the said meter should not conform to above standard the costs of said test shall be borne by the Gas Company.

Costs.

Fees to be paid
to City Treas-
urer.

Section 9. All fees so collected shall be paid monthly into the treasury of the City of Wilmington.

Section 10. All Acts or parts of Acts inconsistent herewith are hereby superseded.

Approved April 16, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 401.

OF THE CITY OF WILMINGTON.

AN ACT TO AUTHORIZE THE MAYOR AND COUNCIL OF WILMINGTON TO BORROW THE SUM OF TWO HUNDRED THOUSAND DOLLARS FOR THE USE OF THE BOARD OF WATER COMMISSIONERS OF SAID CITY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring herein) as follows :

Section 1. The Mayor and Council of Wilmington shall have power and authority, and is hereby directed to borrow, as hereinafter provided, the sum of Two hundred thousand dollars, and to issue bonds to be prepared and printed or engraved under the supervision of the Board of Water Commissioners, of the said The Mayor and Council of Wilmington for the payment thereof with interest. Said bonds to be signed by the Mayor of the said City, and under the seal of the said city, and countersigned by the City Treasurer and City Auditor in the same manner as other city bonds; and a record thereof shall be made and kept by the City Auditor, the City Treasurer, and by the Board of Water Commissioners.

Mayor and Council of Wilmington to borrow money.

To issue bonds.

How signed.

Record of.

Section II. Whenever in the judgment of the said Board of Water Commissioners it shall be necessary to issue by resolution of the Board any or all of the said bonds, they shall cause the same to be prepared and delivered to the Mayor and City Treasurer for execution as aforesaid.

To be delivered to Mayor and City Treasurer.

Section 3. Said bonds may be either registered or coupon bonds, as the said Board of Water Commissioners may determine, and shall be of the denomination of one thousand dollars, each, and shall bear interest at a rate not to exceed four per centum per annum. Said bonds shall be made payable at the expiration of twenty years from the date thereof and may contain

Bonds may be either registered or coupon bonds.
Denomination.

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Payable. a provision for the redemption thereof by the said Board of Water Commissioners at any time after the expiration of five years from the date thereof, at a premium not to exceed five per cent. Said bonds shall also be liable to be redeemed at their face value at any interest bearing period, as hereinafter provided.

Redemption of bonds.

Bonds payable at Union National Bank of Wilmington. Section 4. The said bonds, principal and interest shall be payable at the Union National Bank of Wilmington, Delaware, out of money from time to time appropriated for that purpose by the said Board of Water Commissioners. The said Board of Water Commissioners is hereby authorized and directed to pay the interest on the said bonds to the said Union National Bank of Wilmington, Delaware, when and as the same shall become due; and the said Board of Water Commissioners is further authorized and directed to pay and redeem at the expiration of the fifth year from the date of the said bonds, fifteen of said bonds at par, and to pay and redeem at the expiration of each and every year thereafter, an additional fifteen of said bonds until the twentieth year when the said Board of Water Commissioners shall pay and redeem the balance of said bonds.

Manner of redemption of bonds.

The said Board of Water Commissioners is hereby authorized and empowered to apply to the payment of the interest and principal on said bonds, any revenue coming into their hands from the Water Works of the City of Wilmington. The bonds to be redeemed at any time shall be selected by the Board of Water Commissioners by an impartial drawing. Any and all bonds redeemed shall be forthwith cancelled by the City Treasurer and City Auditor, and shall not again be reissued.

Date and number of bonds. Section 5. All of the said bonds shall bear the same date and shall be numbered from No. 1 to No. 200 inclusive. If coupon bonds shall be issued, the coupons shall bear the engraved signature of the Treasurer of the said City. Any matured coupons shall be detached from the bonds by the City Treasurer and destroyed before delivery to the purchaser or purchasers thereof.

Negotiation of bonds. Section 6. Said bonds may be sold when and as the said Board of Water Commissioners shall determine, and until sold shall remain in the custody of the City Treasurer. Whenever in the judgment of the said Board of Water Commissioners it shall seem desirable to sell any or all of the said bonds, the said Board of Water Commissioners may sell and dispose of the same on the most advantageous terms possible after having advertised the

OF THE CITY OF WILMINGTON.

same in the Public Press, but no commission or other compensation shall be charged or paid to any member of said Board for effecting the sale or negotiation of said bonds.

Disposition of
money from
sale of bonds.

Section 7. Any money received from the sale of any or all of the said bonds shall be deposited by the City Treasurer to the credit of the Board of Water Commissioners in a separate account, and payments therefrom shall be made in the same manner as other payments by the Board of Water Commissioners, provided that no part of the money thus obtained shall be used by the said Board of Water Commissioners for any purpose other than the construction, erection and equipment of the new reservoir to be located in Brandywine Hundred, New Castle County, to be known as the William T. Porter Reservoir, and for the purchase, construction and equipment of the pipes, mains, filter-plant, clear water basin, buildings and machinery proper for the construction, completion and operation of the said reservoir in connection with the Water Works of the City of Wilmington.

Bonds payable
in gold.

Section 8. The principal and interest of the said bonds shall be payable in gold coin of the United States of America, equal in weight and fineness to the present standard, and shall contain such provisions not inconsistent with the requirements of this Act, as the said Board of Water Commissioners shall determine.

Expense of
preparation of
bonds paid by
Board of Water
Commission-
ers.

Section 9. All charges and expenses connected with the preparation of the said bonds, and of the sale thereof, shall be paid by the said Board of Water Commissioners by money to be appropriated by them for that purpose.

Approved March 31, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 402.

OF THE CITY OF WILMINGTON.

AN ACT TO PROTECT THE HEALTH OF THE CITIZENS OF WILMINGTON.

Preamble. Whereas, large quantities of refuse and sewerage are unavoidably discharged in to the Stream of water called Prince's Run running through a portion of the Ninth Ward of the City of Wilmington;

Preamble. And Whereas, a public drain or trunk line sewer has become necessary for the drainage, growth and development of the Northern and Northeastern parts of the said City; Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of of each branch thereof concurring therein):

Mayor and Council to construct a trunk line sewer.

Direction of.

To construct branch of trunk line sewer.

Direction of.

Section 1. The Mayor and Council of Wilmington is hereby authorized, directed and required within three (3) years after the passage of this Act, through the agency of the Board of Directors of the Street and Sewer Department of the City of Wilmington, to lay and construct a trunk line sewer of such size as may be determined by the Board of Directors of the Street and Sewer Department, beginning at the intersection of Twenty-eighth and Moore Streets in the said City and running thence by such courses as the said Board of Directors may deem most expedient to the Brandywine River; and also to lay and construct, a branch of said main trunk line sewer of such size as may be determined by the said Board of Directors of the Street and Sewer Department of the City of Wilmington, beginning at the intersection of Twenty-second and Locust Streets in said City, and running thence by such courses as the said Board of Directors may deem most expedient to the intersection of Twenty-seventh and Bowers Streets in said City, and also to acquire by purchase or condemnation all lands, water and water rights necessary for laying and constructing the said sewer.

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Section 2. In case the said Board of Directors shall not be able to agree with the owners of the said property for the purchase thereof, the said Board shall cause the same to be condemned for the use of the said City for the purposes aforesaid in like manner and by like proceedings as are now provided by law for the condemnation of land for extending, widening, laying out and opening streets within the said City.

Agreement
with property
owners.

Condemnation
of property.

Section 3. The Mayor and Council of Wilmington shall have power and authority, and they are hereby directed to borrow the sum of Ninety Thousand dollars (\$90,000.00) and to issue bonds of said City for the payment thereof, with interest, said payment to be made at such times and in such amounts as the City Council of the said City of Wilmington shall by ordinance prescribe and appoint, and the said sum of Ninety thousand dollars (\$90,000.00) shall be appropriated, applied and expended by the said Board toward the costs, expenses and damages which may be incurred in the purchase or condemnation of said property and in laying and constructing said sewers.

To borrow
money.

Bonds for.
Interest.

Application of
money.

Section 4. That any and all monies so borrowed under the authority of this Act shall be borrowed by the said Mayor and Council of Wilmington at such times and in such amounts as the Board of Directors of the Street and Sewer Department of the City of Wilmington may decide and direct, and the said money shall be applied and expended through and by the Board of Directors of the Street and Sewer Department of the City of Wilmington, which shall have entire supervision, management, direction and control over said work and the expenditure of money necessary with respect thereto. All monies borrowed as aforesaid, for the purposes hereinbefore mentioned, shall be placed on special deposit by the said Board of Directors of the Street and Sewer Department of the City of Wilmington, and no warrant or order for the payment of money shall be drawn against such funds except such order or warrant is for the purchase or condemnation of said property or for the work done upon or about the construction of said sewers.

Board of Direc-
tors to super-
vise and con-
trol work, and
expenditure of
money.

Section 5. That the bonds of the City of Wilmington, authorized to be issued under the provisions of this Act, shall be issued and payment made in the manner provided by the Act passed at Dover, February 9th, 1855, entitled "An Act to Provide a Sinking Fund for the City of Wilmington" and the various amendments and supplements thereto.

Bonds issued
and paid in
accordance
with provisions
of Act, entitled
"An Act to Pro-
vide a Sinking
Fund for the
City of Wil-
mington."

OF THE CITY OF WILMINGTON.

Property owner
not exempt
from other
liability.

Section 6. That nothing in this Act shall be so construed as to relieve the owners of any property abutting on any part of the sewers provided for in this Act, from liability for the costs and charges which may be laid and levied upon them as provided for by law for the opening and maintaining of all public drains and sewers within the said City of Wilmington.

Section 7. That all Acts or parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed.

Approved March 26, A. D. 1903.

CHAPTER 403.

OF THE CITY OF WILMINGTON.

AN ACT TO AMEND CHAPTER 201, VOLUME 20 OF THE LAWS OF DELAWARE GIVING CERTAIN POWERS TO THE BOARD OF DIRECTORS OF THE STREET AND SEWER DEPARTMENT OF THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Chapter 201 of Volume 20 of the Laws of Delaware be and the same is hereby amended by adding the following Sections :

Additional
power.

Section 3. Whenever the Board of Directors of the Street and Sewer Department of the City of Wilmington shall, on account of the conformation of the land and the difficulty of securing proper grades in the plotting out of any tract of land lying outside of the boundary line of the City of Wilmington as now, or hereafter extended, but within one half mile thereof, deem it advisable that such tract of land should not be laid out in conformity with the streets of Wilmington if extended, the said Board of Directors may approve of the plotting of any such tract of land in such manner, as in their judgment will be for the best interests of the said City.

OF THE CITY OF WILMINGTON.

Section 4. Upon the approval by said Board of Directors of any tract of land so plotted and laid out, the provisions of the act entitled, An Act to provide for the establishment of streets and grades on land contiguous to the City of Wilmington, Volume 19, Chapter 205, Laws of Delaware, shall apply thereto as fully as though the said land had been plotted in conformity to the streets of the City of Wilmington if extended thereto.

Approved March 31, A. D. 1903.

CHAPTER 404.

OF THE CITY OF WILMINGTON.

AN ACT TO AMEND CHAPTER 205, VOLUME 17, LAWS OF DELAWARE, BEING AN ACT TO ESTABLISH A BOARD OF WATER COMMISSIONERS FOR THE CITY OF WILMINGTON AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That Section 8 of Chapter 205, Vol. 17, Laws of Delaware be and the same is hereby amended by inserting between the words "person" and "offered" in the fourteenth line of said Section the following, "or a thoroughly responsible surety Company, which company or Companies must be acceptable to the Board of Water Commissioners."

Surety Company may enter bond upon approval of Board of Water Commissioners.

Approved March 31, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 405.

OF THE CITY OF WILMINGTON.

AN ACT TO FURTHER AMEND AN ACT ENTITLED "AN ACT IN RELATION TO THE STREETS AND SEWERS OF THE CITY OF WILMINGTON," PASSED APRIL 20TH, A. D. 1887, BY AUTHORIZING CHANGES FOR THE COURSE OF STREETS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein):

Extension of
streets.

Section 1. That the act of the General Assembly of the State of Delaware, entitled "An Act in relation to the Streets and Sewers of Wilmington", passed April 20th, A. D. 1887, be and it is hereby amended by inserting in Section one of said Act after the word "widen" and before the word "any", in the seventh line of said Section, as printed in Volume 18, Chapter 188, of the Laws of Delaware, published by authority of the General Assembly, the following words "or alter the course and direction of".

Approved March 24, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 406.

OF THE CITY OF WILMINGTON.

AN ACT TO AMEND SECTION 126 OF AN ACT ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO THE CITY OF WILMINGTON," PASSED APRIL 13TH, A. D. 1883, AND AUTHORIZING CHANGES IN THE CITY PLANS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein):

Section 1. That the Act of the General Assembly of the State of Delaware, entitled "An Act to Revise and Consolidate the Statutes relating to the City of Wilmington", passed April 13th, A. D. 1883, be and it is hereby amended by adding to the first sentence of Section 126 of said Act, and after the word "State", at the end of said sentence, the following words: "And with such extensions and alterations as may be made from time to time by the Board of Directors of the Street and Sewer Department of said City of Wilmington." Extension of limits.

Approved March 26, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 407.

OF THE CITY OF WILMINGTON.

AN ACT IN RELATION TO NINTH STREET WEST OF MARKET STREET IN THE CITY OF WILMINGTON, PROHIBITING STREET CARS THEREON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

Ninth Street west of Market Street in the City of Wilmington to be free from railroad or railway tracks, except at intersections thereof by other streets.

Section 1. That no passenger, freight, street railway or other track shall be laid on or along Ninth Street, west of Market, in the City of Wilmington, but the roadway of said street shall remain and be kept so as to afford a free and unobstructed passage or thoroughfare for carriages, wagons and other vehicles, used either for leisure or pleasure, provided, however, that nothing in this Act contained shall prevent or be construed to prevent the crossing of any and all parts of said Ninth Street West of Market Street, by railway tracks laid across the same where said Ninth Street intersects any other street of said City, and provided further, that nothing in this Act shall prevent or be construed to prevent the operation of cars of all kinds across said Ninth Street at its said intersection with other streets in said City west of Market Street.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved February 17, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 408.

OF THE CITY OF WILMINGTON.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO THE CITY OF WILMINGTON," BEING CHAPTER 207, VOLUME 17, LAWS OF DELAWARE, EXEMPTING FROM TAXATION THE LANDS AND TENEMENTS OF ALL CHARITABLE HOMES FOR INCURABLES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Section 1. That all lands and tenements to the value of Fifteen thousand dollars owned by any corporation or association, which are used wholly or in part for Charitable Homes for Incurables, shall be and the same are hereby declared to be exempt from all taxes, assessments, burdens or impositions for municipal purposes.

Charitable institutions of value of \$15,000 exempt from taxation.

Approved April 7, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 409.

OF THE CITY OF WILMINGTON.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO THE CITY OF WILMINGTON," BEING CHAPTER 207, VOLUME 17, LAWS OF DELAWARE, EXEMPTING FROM TAXATION THE LANDS AND TENEMENTS OF CHARITABLE HOMES AND HOMES OF REFUGE FOR REFORMED WOMEN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring therein):

Exemption
from taxation
of charitable in-
stitutions for
reformed
women.

Section 1. That the lands, tenements and property not exceeding in value in any one instance the sum of twenty-five thousand dollars, of all incorporated homes or houses of refuge for reformed women, maintained in the said City of Wilmington by charity, shall be exempt from all municipal taxation, both as to city and school taxes.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 24, A. D. 1903.

OF THE CITY OF WILMINGTON.

CHAPTER 410.

OF THE CITY OF WILMINGTON.

AN ACT CONCERNING THE EMPLOYMENT OF CERTAIN PERSONS
BY THE MUNICIPAL CORPORATION OF THE CITY OF WIL-
MINGTON, BY MAKING EIGHT HOURS, A DAY'S WORK.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met (two-thirds of
all the members elected to each house concurring therein):*

Section 1. That eight hours shall constitute a legal day's Eight hours
legal day's
work. work for all classes of employees employed by the Municipal Corporation of the City of Wilmington.

Section 2. That each contract to which the municipal cor- Contract to
stipulate same. poration of the City of Wilmington is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic in the employ of the Municipal Corporation of the City of Wilmington, contractor, sub-contractor, or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be required to work more than eight hours in any one calender day, except in cases of extraordinary emergency caused by fire, flood or danger to life or property.

Section 3. That the wages to be paid for a legal day's work Wages not to
be less than
prevailing rate
in the locality
where work is
done. as hereinbefore defined to all classes of such laborers, workmen or mechanics, upon all such public work or upon any material to be used upon or in connection therewith shall not be less than the prevailing rate for a days work in the same trade or occupation in the locality in the State where such public work, on, about or in connection with which such labor is performed in its final or completed form is to be situated, erected or used. Each such contract hereafter made shall contain a stipulation Contract to
stipulate
wages. that each such laborer, workman or mechanic employed by such contractor, sub-contractor or other person on, about or upon such public work shall receive such wages as hereinbefore provided. Each contract for such public work hereafter made shall

OF THE CITY OF WILMINGTON.

Contract void
unless so made.

contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this Act; and no such person or corporation shall be entitled to receive any sum nor shall any officer, agent or employee of the Municipal Corporation of the City of Wilmington pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract which in its form or manner of performance violates the provisions of this Act.

Penalty for
evasion of.

Section 4. That any officer, agent or employee of the Municipal corporation, of the City of Wilmington, having a duty to act in the premises, who violates, evades, or knowingly permits the violation (of)* evasion of any of the provisions of this act, shall be guilty of malefeasance in office and shall be suspended or removed by the authority having the power to appoint or remove such officer, agent or employee, otherwise by the Governor. Any citizen of this State may maintain proceedings for the suspension or removal of such officer, agent or employee or may maintain an action for the purpose of securing the cancellation or avoidance of any public contract which by its terms or manner of performance violates this Act or for the purpose of preventing any officer, agent or employee of such municipal corporation from paying or authorizing the payment of any public money for work done thereupon.

Exemption.

Section 5. This act shall not apply to the policemen, park guards, watchmen, or special officers of any kind.

Approved April 7, A. D. 1903.

*Printed as enrolled.

OF CITIES AND TOWNS.

CHAPTER 411.

OF CITIES AND TOWNS.

AN ACT TO ABOLISH ASSESSMENTS FOR ROAD TAXES OF RESIDENTS OF TOWNS IN NEW CASTLE COUNTY WHERE THE TOWN AND ITS RESIDENTS ARE EXEMPT BY THE LEGISLATURE FROM PAYING ROAD TAXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. From and after the passage of this Act, the Road Commissioners, Commissioner of Roads and Assessors of the respective hundreds in New Castle County are hereby directed to not include in their assessments the residents of any incorporated towns where the town and its residents have been made exempt from the payment of road taxes by an act of the General Assembly. Incorporated towns to be exempt from assessment for road purposes.

Approved March 31, A. D. 1903.

OF CITIES AND TOWNS.

CHAPTER 412.

OF CITIES AND TOWNS.

AN ACT AMENDING CHAPTER 152, VOLUME 15, OF THE LAWS OF DELAWARE, ENTITLED, "AN ACT TO INCORPORATE THE CITY OF NEW CASTLE."

Increase of taxation for City of New Castle.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring therein)* That Chapter 152, Section 18 of Volume 15, of the Laws of the State of Delaware, be and the same is hereby amended, by striking out the word "four" in the seventh line of said Section 18, and inserting in lieu thereof the word "five". So that the sum so to be raised, shall hereafter be the sum of Five thousand dollars, instead of four thousand dollars.

Approved March 31, A. D. 1903.

CHAPTER 413.

OF CITIES AND TOWNS.

AN ACT EXTENDING THE LIEN AND TIME FOR THE COLLECTION OF TAXES FOR THE YEAR 1901, IN THE CITY OF NEW CASTLE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein):

Collection of taxes.

Section 1. That the time for the collection of taxes imposed and assessed for the year A. D. 1901, under the provisions of the Act entitled "An Act to incorporate the City of New Castle,"

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passed at Dover, February 25, 1875, and all amendments and supplements thereto, be and the same is hereby extended to the first day of July, A. D. 1904; and the lien of said taxes, as established by law, shall remain and continue in full force and effect until that date.

Extension of time for.

Section 2. That the collector appointed to collect said taxes for the year 1901 shall continue in office for the purpose of collecting the same (or such part thereof now remaining unpaid) until the said first day of July, A. D. 1904, and he is hereby authorized to collect the same, and in so doing he shall have all the powers and be subject to all the duties and liabilities of a Collector of the City, School and Road and Street Taxes, as now fixed and prescribed by law. In case of his neglect or inability from any cause to collect said taxes, the City Council may appoint a suitable person in his place, with like powers, duties and liabilities. The said Collector or any one appointed in his place shall give a bond to the Mayor and Council of New Castle, with surety to be approved by the City Council, and a warrant of attorney attached to confess judgment, in double the amount of all the taxes so to be collected by him, to be conditioned for the faithful performance of his duties as such Collector.

Collector, powers of extended.

Taxes.

Neglect or inability to collect taxes, Council may appoint other person.

Provided, That nothing herein contained shall be construed so as to interfere with or effect in any way the liability of said Collector or his sureties, upon the first or original bond given by him as Collector of Taxes for the year 1901.

Liability.

Approved April 7, A. D. 1903.

OF CITIES AND TOWNS.

CHAPTER 414.

OF CITIES AND TOWNS.

AN ACT GRANTING ADDITIONAL POWERS TO THE COLLECTORS OF TAXES, IN THE CITY OF NEW CASTLE, TO COLLECT TAXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring):

Collector of
taxes may sue.

Section 1. That in addition to the powers now conferred by law, the collector of any tax or taxes within the City of New Castle, may sue for and recover the amount thereof in an action of debt against the person taxed before any Justice of the Peace of New Castle County; provided, the amount thereof be not more than Two hundred dollars; and where the amount of the taxes is more than Two hundred dollars, in the Superior Court for New Castle County, and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax or taxes assessed against the defendant, and the time of assessing the same. The right of appeal shall be the same as in other civil actions.

Jurisdiction.

Appeal.

Allowance to
Collector to be
taxed by the
Justice of the
Court.

Section 2. If judgment be rendered in favor of the collector, he shall have an allowance for his reasonable trouble in attending to the suit, including counsel fees, to be taxed by the Justice of the Court, where the case may be pending, in the costs, and execution may be issued against the real or personal estate of the defendant; Provided, that no execution against the real estate shall issue, except out of the Superior Court of New Castle County. Where such judgment is recovered before a Justice of the Peace, and it is the desire of the collector to proceed against the real estate of the defendant, the collector shall take a transcript of the judgment from the Justice of the Peace, and cause the same to be entered as in other civil cases on the dockets of the Superior Court. When such transcripts are entered the subsequent proceedings shall be the same as upon other like judgments. The lien of the judgment as aforesaid shall be deemed to

Transcript of
judgment from
Justice of the
Peace to docket
of Superior
Court.

OF CITIES AND TOWNS.

relate back and take effect from the date of the collector's duplicate as aforesaid.

There shall be no exemption from any execution or attachment process, issued on any judgment recovered by virtue of this act. No exemption to apply.

Section 3. That all of the taxes as aforesaid, shall be, and remain a first lien against the real estate of the said taxable within the City of New Castle until the same are fully paid and satisfied; and the collection of the same may be enforced under the present provision of law, or by suit, judgment, and execution as is provided by this act. All suits under this act shall be brought within three years, from the date of the collectors duplicate, and if his term of office should expire before that time, he may sue for and recover the same in his name as the late collector of said taxes. And he and his sureties shall be liable on their bond until the same are paid into the city treasury, unless the city council, should by resolution otherwise direct. Taxes to be first lien against real estate. Suits, when brought. Collector and sureties liable on bond.

Section 4. Nothing in this Act shall in any way alter, change or affect the liability of the collector of said taxes or his sureties, or the bond he shall give, under the provisions of the existing law, or which he has given. Nor shall the duty of the collector to collect the taxes be released in any way, by reason of any thing contained in this Act. Not to affect liability of Collector under existing law.

Approved March 24, A. D. 1903.

OF CITIES AND TOWNS.

CHAPTER 415.

OF CITIES AND TOWNS.

AN ACT AUTHORIZING THE TRUSTEES OF THE NEW CASTLE COMMONS TO BORROW MONEY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Trustees of
New Castle
Commons to
borrow money.
Amount.
Bonds.

Money from,
how applied.

Section 1. That the Trustees of the New Castle Commons, be and are hereby authorized and empowered to borrow a sum of money not exceeding fifteen thousand dollars, and for this purpose may issue bonds of the said Corporation properly made and executed, of such denomination and for such time as to the said Trustees may seem best or may provide for the payment of the said money in such other manner as in their discretion may be deemed most advantageous, the money so borrowed to be held and applied for the benefit of the inhabitants of the City of New Castle in accordance with the provisions of the Charter creating the said Board of Trustees and the Acts relating thereto.

Section 2. This shall be deemed and taken to be a public Act.

Approved March 31, A. D. 1903.

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CHAPTER 416.

OF CITIES AND TOWNS.

AN ACT TO AMEND SECTION 11 OF CHAPTER 154, OF VOLUME 15 OF THE LAWS OF DELAWARE, ENTITLED "AN ACT FOR THE BETTER REGULATION OF THE STREETS OF DELAWARE CITY AND FOR OTHER PURPOSES," CHANGING THE TIME FOR HOLDING THE MUNICIPAL ELECTIONS IN DELAWARE CITY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That the word "Saturday" in lines one, two, seven and nine of Section 11, Chapter 154, Volume 15, Laws of Delaware be stricken out, and the word "Tuesday" be inserted in lieu thereof. Changing time for holding municipal elections in Delaware City.

Approved March 5, A. D. 1903.

CHAPTER 417.

OF CITIES AND TOWNS.

AN ACT TO CHANGE THE BOUNDARIES OF THE TOWN OF NEWARK, DELAWARE, AND TO ESTABLISH NEW BOUNDARIES FOR SAID TOWN.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch concurring therein) :

Section 1. That the boundaries of the Town of Newark, Delaware, be changed and extended so as to include within the limits of said Town the territory bounded and described as fol-

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Boundaries of
Town of New-
ark extended
and defined.

lows, viz: Beginning at a cut stone in the northerly boundary line of the right of way of the Baltimore and Philadelphia Railroad Company and in line of lands of the Heirs of Rathmell Wilson, deceased, South of lane leading from Elkton Avenue to the Mansion House on said lands of Rathmell Wilson, deceased; thence North one-half of a degree West through said land of the heirs of Rathmell Wilson, deceased, crossing the Nottingham Road or Main Street extended, two-thousand six hundred and twenty-eight feet to another cut stone in lands of Jennie Jex; thence North eighty nine and one-half degrees East through said lands of Jennie Jex; lands of the heirs of Roger Corbit, deceased, Samuel M. Donnell, Theodore F. Armstrong, James Hossinger, Curtis & Brothers, Ezekiel W. Dawson and Harriet Dean, crossing Corbit Street, New London Avenue, North College Avenue and North Chapel Street six thousand and seventy-one feet to another cut stone in lands of Mrs. Elwood McKee; thence South one-half of a degree East through said lands of Mrs. Elwood McKee and James A. Wilson crossing Main Street two thousand six hundred and twenty-eight feet to another cut stone in lands of said James A. Wilson; thence South eighty-nine and one-half degrees West through said lands of James A. Wilson, Lands of Robert Morrison, Hannah T. Pilling, Samuel J. Wright, John E. Lewis, Heirs of Edmund A. Lewis, deceased, Kate L. Malone, the Baltimore and Philadelphia Railroad Company and the heirs of Rathmell Wilson, deceased, crossing South Chapel Street, Academy Street, South College Avenue and Elkton Avenue six thousand and seventy-one feet to the first mentioned cut stone and place of beginning. To better mark said lines stones shall be placed at the intersection of said lines with the Northerly or Westerly sides of said roads, streets and avenues.

Extent of
powers of Town
Council.

Section 2. Within the limits of the Town of Newark as extended and established by this Act, The Council of Newark shall be vested with all powers, rights, privileges and immunities which before this time belonged to it as a municipal corporation, and all of the laws, ordinances and regulations in force within the former limits of the Town of Newark shall be extended and applied to the new territory comprised within the boundaries as set forth in the first section of this Act.

Section 3. The real estate by this Act added to and included within the limits of the town of Newark and all persons

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residing now or hereafter within said new boundaries and all property therein shall be subject to the assessment for Town taxes in the same manner and subject to the same rights, rules and restrictions as in other cases within the limits of said town before the passage of this act.

Section 4. The real estate and property added to and included within the limits of the town of Newark shall be in and a part of the following districts in said town, to wit: All that part West of the center line of North College Avenue and South College Avenue extended, respectively, to the northern and southern boundary line of said town as hereby established shall be in and a part of the Western district of said town; That part lying and being between the eastern boundary line of said western district and the center line of Choate Street extended, and the northern and southern boundary lines of said town as hereby established, shall be in and a part of the middle district of said town; That part lying and being east of said eastern boundary line of said Middle district shall be in and a part of the eastern district of said town.

Section 5. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 31, A. D. 1903.

OF CITIES AND TOWNS.

CHAPTER 418.

OF CITIES AND TOWNS.

AN ACT TO AUTHORIZE "THE COUNCIL OF THE TOWN OF NEWARK," DELAWARE, TO REGULATE THE SALE OF GOODS, WARES AND MERCHANDISE ON THE STREETS AND SIDEWALKS OF THE TOWN OF NEWARK, DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring therein):

Council of
Newark to
regulate the
sale of goods,
&c.
To fix license
fee.

Exception.

Section 1. That it shall and may be lawful for The Council of Newark to regulate by ordinance or otherwise the sale of goods, wares and merchandise on the streets and side-walks within the Town of Newark, Delaware, and fix the license fee therefor and the penalty for not paying said fee or the breach of any other provision of such ordinance or regulation, and in all other respects regulate the markets within the said Town of Newark. Provided, that no license fee shall be charged the Venders of meats, fruits, vegetables or other farm products.

Approved March 31, A. D. 1903.

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CHAPTER 419.

OF CITIES AND TOWNS.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES LEVIED
AND ASSESSED ON REAL PROPERTY AND PERSONS WITHIN
THE TOWN OF NEWARK, DELAWARE.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met, two-thirds of
each branch thereof concurring:*

Section 1. All taxes which may hereafter be assessed or levied on real estate in the town of Newark shall constitute a prior lien thereon for three years from the date when said tax is so assessed and levied and may, with all incidental costs, fees and expense, be collected by a sale thereof as hereinafter provided. The said lien for taxes shall be prior to and satisfied before any recognizance, Mortgage, Judgment, Deed or obligation which the said real estate may become charged with or liable to. But in case of a sale under execution process or by order of any Court of any real estate upon which such tax lien shall exist, such lien shall be transferred to the fund arising from such sale in the hands of the officer or trustee making said sale and the real estate so sold shall be discharged therefrom. Provided, that if said fund arising from said sale shall, not be sufficient to pay and discharge the said tax lien by reason of the said real estate having been sold subject to another or other lien or liens or for any other reason then the unpaid balance of said tax shall remain a lien upon the lands so sold.

Taxation in Newark.
Tax to be prior lien on real estate.

Section 2. If any person owning and holding in fee or otherwise said real estate so assessed as aforesaid shall neglect or refuse to pay the tax so assessed thereon or any part thereof by the first day of December of the year in which said tax was assessed, the collector of taxes of the council of Newark shall levy and make the same by distress and sale of the delinquents' goods and chattels, said distress and sale shall be made in manner as now provided by the statutes of the State of Delaware in

Refusal to pay tax.
Collector of taxes to make levy and sale of delinquents' goods and chattels.

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cases of a landlord's warrant for the collection of rent, rendering the overplus, if any, after deducting the taxes due and all reasonable fees, charges and expenses, to the owner or owners thereof, or if no such personal property can be found by the said collector the said tax may be collected from or levied upon the goods and chattles of any of his tenants, if such there be, who shall be allowed to set off the amount thereof against any demand for rent on the part of such delinquent landlord, or if there be not rent due sufficient to cover the amount so paid or levied it may be recovered by such tenant from his landlord with costs. And if any grounds, building or estate belonging to a minor or minors or to a person or persons absent from the town of Newark, the tax laid upon the assessment of such grounds, building or estate may be collected from the person or persons having the care of such grounds, building or estate and the receipt of the said collector for money so paid shall be a sufficient voucher to all executors, administrators, guardians, trustees, or attorneys, against those whom they represent. If any person or persons from whom any tax is required to be collected or their executors, administrators, guardians, trustees or attorneys can not be found or shall refuse to pay the tax aforesaid, and no goods or chattles of such person sufficient to satisfy such tax shall be found and the same can not be collected from any tenant or tenants of such person or if the owner or owners or other person or persons having the care and charge over any real estate assessed upon which the tax has been levied as aforesaid can not be found, the said collector of taxes shall make and deliver to the prothonotary of New Castle County a certificate of facts under oath or affirmation together with a brief description of the real estate on which said tax shall have been assessed, the amount thereof, and all costs and charges and the name or names of the person, persons, or corporation, if known, against whom as owners of said real estate said tax has been assessed and judgment shall thereupon be entered by the said prothonotary of the Superior Court of New Castle County, in favor of the Council of Newark on said described real estate against the said owner or owners thereof, if known, and a writ of *Levari Facias* shall forthwith be issued thereon by virtue of which it shall be the duty of the sheriff of said county to advertise and sell the real estate upon which said taxes have been assessed under like proceedings as by law are required in the sale of lands and tenements under execution process, and make return thereof to the next regular term

Overplus of sale to be returned to owner.

Goods and chattels of tenant liable.

As to property of minors or persons absent.

Refusal to pay tax, judgment to be entered by Prothonotary of Superior Court against real estate and sold by Sheriff under writ of *Levari Facias*.

Return of writ.

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of the said Superior Court after the issuing of the said writ, and the said court may inquire into the circumstances and regularity of the proceedings and either approve the sale or set it aside. If the court approve the said sale the sheriff shall make a deed to the purchaser or purchasers thereof which shall convey all interest and property in and to said real estate so sold, and the said Superior Court shall have power to make all necessary orders and rules and all process which may be necessary to place the said purchaser or purchasers in possession of the said real estate. If the sale be set aside by said court the said tax shall still be a lien on said real estate and the court may order another sale and so on until the tax be collected. Such disposition of the surplus proceeds of said sale shall be made by the court as may be deemed just. No sale shall be approved if the owner be ready at court, before the confirmation of the said sale, to pay the taxes and all fees, costs, and charges and no deed shall be made until the expiration of two years from the time of sale within which time the owner or owners, his, her or their heirs, executors, or administrators, or its successors, shall have power to redeem the said real estate so sold on payment to the purchaser or purchasers or their heirs or assigns, or its successors, of the amount of the purchase money and costs and twenty per cent in addition thereto. Proceedings for redeeming land so sold as aforesaid shall be by petition to the said Superior Court and the said court shall have full power to make all proper rules and orders thereon.

Approval of Court.
Sheriff to make deed.

Disposition of surplus.

Sale not to be approved if payment be tendered before confirmation.

Proceedings for redemption of land sold for taxes, how taken.

Section 2.* The collector of taxes of the council of Newark may distrain on any personal property belonging to any taxable for the collection of any personal or per capita tax assessed and levied against any person and unpaid by the first day of December of the year in which said taxes were assessed and levied and may sell the same in manner as hereinbefore provided for the sale of personal property for the collection of taxes assessed against real estate.

Collector may distrain on personal property.

Section 3. If the owners of such personal property do not pay the amount of the taxes and all fees, costs and charges by the time appointed for the sale thereof, the said collector shall sell the same or enough thereof to pay said fees, cost and charges at public auction.

Failure to pay taxes, Collector to sell personal property.

Section 4. Any property or surplus money remaining shall be returned to the owner or person entitled to receive it. If no

Surplus to be returned to owner.

*Printed as enrolled.

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owner or person entitled to receive the same can be found by said collector, he shall deliver such property or surplus money to the treasurer of the Town of Newark who shall hold the same subject to the call of the owner thereof.

Collector to have custody of property.

Section 5. Any collector may without the consent of the owner remove personal property for safe keeping to any place within the Town of Newark which he may deem best.

Employer to deduct tax of employee upon notice of collector.

Section 6. The collector of taxes of the council of Newark may at any time notify in writing the person, persons or corporation by whom any taxable residing within the limits of the town of Newark and assessed for any tax either for real estate or personal or per capita tax is employed, that the tax of such employee is due and unpaid and it shall be the duty of such employer to deduct from the wages or salary of such employee the amount of the tax due from such employee and charge the same against him and pay the same over to the said collector within sixty days from the time of receiving such notice, and if such employer refuse or neglect to comply with the provisions of this section within said sixty days from the time of receiving such notice, he, she or it shall be personally liable for the said tax and all fees, costs and charges of the person or persons so employ* by him and the same may be recovered by an action brought by said collector against said employer before the Superior Court of the State of Delaware, in and for New Castle County, or before any Justice of the Peace in New Castle County.

Refusal of employer to become liable.

Section 7. Any sale of real or personal estate or of any interest therein liable for the payment of taxes by the provisions of this act may be had by the said Collector from time to time.

Treasurer may act in lieu of collector.

Section 8. In the event of the sickness, disability, or removal from office of the Collector of taxes of the council of Newark, the treasurer of the Council of Newark may act in his place and he shall be vested with all the powers given by this act or by the charter of Newark and any amendments thereto by any law of the State of Delaware to the said Collector.

Additional powers of collector.

Section 9. In addition to the powers given the said collector of taxes and treasurer of the Council of Newark by this act and by the charter of Newark and any amendments thereto, he

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and they shall have all other the powers given the Collector of County taxes of New Castle County, Delaware, by any law of the State of Delaware.

Approved March 31, A. D. 1903.

CHAPTER 420.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 192 OF VOLUME 17, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF NEWPORT, AS AMENDED BY CHAPTER 191, CURRENT VOLUME," BY EXEMPTING SAID TOWN FROM THE PAYMENT OF A ROAD TAX, CONCERNING THE "NEW CASTLE COUNTY WORKHOUSE," EXEMPTING MANUFACTURERS FROM TAXATION AND PROVIDING FOR THE REGISTERING OF DOGS, AND THE COLLECTION OF TAXES BY ATTACHMENT PROCESS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That section 12 of said act be and the same is hereby amended by inserting after the word "levies" and before the word "The" in the seventeenth line of said section the following; "and in addition to the powers conferred herein the said treasurer shall have the power and authority to collect said taxes by means of attachment or mesne process as fully and effectually as any debt or damage might have been recovered or collected before any exemption from attachment or mesne attachment process existed."

Exemption
Law not to im-
pair power of
treasurer in
collection of
taxes.

Section 2. That section 13, of said act be and the same is hereby amended by striking out the words "public jail of New Castle County," after the word "the" and before the word "for" in the thirty-first line of said section, and insert in lieu thereof the following; "New Castle County Workhouse."

Place of com-
mitment
changed.

Section 3. That section 20 of said act be and the same is

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Increase of tax. hereby amended by striking out the word "five" after the word "exceed" in the third line of said section and insert in lieu thereof the word "fifteen."

Section 4. That said act be and the same is hereby further amended by adding to said act three new sections, as follows:

Manufacturers may be exempt from town taxes.

"Section 22. That "The Commissioners of Newport" be and they are hereby authorized when in their judgment it is for the advantage of the Town of Newport to exempt any manufacturer who may locate and establish a plant therein from all town taxes for the space of five years.

Town exempt from hundred road taxes.

Section 23. That from and after the approval of this act the Town of Newport be and it is hereby exempted from the payment of all hundred road taxes.

Registration of dogs running at large.

Section 24. That from and after the approval of this act it shall be unlawful for any person or persons within the limits of the Town of Newport to allow any male or female dog to run at large in said town without first having said male or female dogs duly registered, and the treasurer of the Town of Newport shall keep a book in which he shall record the names of all persons registering dogs and he shall supply a metal tag for each male or female dog registered. The person or persons registering dogs as aforesaid, shall pay to the said treasurer the sum of fifty cents for every male dog registered, and the sum of One dollar for every female dog registered. Any person or persons found harboring a dog without the said dog being registered as aforesaid, shall be subject on conviction before the Alderman of said town to a fine of Five dollars for each dog unregistered, and the said treasurer of said town in the collection of the said fine shall have all the powers conferred on him by the twelfth section of this act as amended in this act, and the bailiff of the Town of Newport on notification by the treasurer that any person within the limits of said town is the owner of any male or female dog or dogs without the same having been registered as herein provided shall have authority to impound said dog or dogs and if the owner or owners thereof shall not within twelve hours after receiving notice of the impounding of said dog or dogs, have the said dog or dogs registered and pay the sum of two dollars to said bailiff, one dollar of which shall be for the benefit of the bailiff and the remaining one dollar to be paid said treasurer for

Registration fee.

Penalty for harboring un-registered dog.

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the benefit of the town of Newport; the said bailiff shall have full power and authority to destroy said dog or dogs."

Approved March 19, A. D. 1903.

CHAPTER 421.

OF CITIES AND TOWNS,

AN ACT TO REINCORPORATE THE TOWN OF CHESWOLD.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Section 1. That the citizens of the Town of Cheswold, shall be a body politic and corporate, in fact and in law, by the name of "The Town of Cheswold," and by that name shall sue and be sued, plead and be impleaded, in all Courts of either law or equity in this State, and may have and use a common seal with such device or devices as they shall think proper, with the power to alter the same as may be deemed expedient, to purchase, hold, receive and enjoy any lands and tenements, and also personal property, and to alien, grant, sell, and dispose of the same in such manner and form as they may deem expedient for the use of said town.

Section 2. The limits of said town Cheswold shall be as follows:—

The initial point shall be where a line drawn in an easterly and westerly direction in the middle of the public road leading from Moore's Corner to Leipsic, would intersect a line drawn in a northerly and southerly direction in the middle of the public road running on the west side of the Delaware Railroad, and parallel therewith.

From this initial point, the town shall extend North three hundred and fifty yards, and, from the same point South four hundred and fifty yards, and from the same point east three hun-

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dred yards, and from the same point West four hundred yards, forming a parallelogram, whose east and west sides shall be eight hundred yards (800 yards) long, and whose north and south sides shall be seven hundred yards long, and the commissioners may at any time have the same surveyed and plotted and may have said plot recorded in the Recorder's Office of Kent County, and being so recorded, it, or a duly certified copy thereof, shall be evidence of what is therein properly set forth.

The said Commissioners may also have the streets, lanes and alleys surveyed and designated upon said plot.

The streets as now known and established, are as here stated ;

Names of streets.

The public road leading from Moore's Corner to Leipsic, and within the above limits shall be called Main Street, and is forty feet wide; the public road running along Delaware Railroad, on the west side, within the limits above given, shall be called Commerce Street, and is thirty feet wide; the street running from Commerce street to West Street shall be called New Street, and is thirty feet wide; the street running from New Street to Main Street shall be called West Street, and is thirty feet wide.

Annual elections.

Section 3. That on the last Saturday in March A. D. 1903, and annually thereafter, from two until four o'clock in the afternoon, there shall be held a town election at such place as the said Commissioners shall designate, at which all male citizens of twenty-one years of age and upwards, who shall have paid the town tax last assessed against them, or who shall have become residents of said town since the last assessment was made and thirty days prior to said election, or who shall have gained their majority since the last assessment was made, shall have the right to vote.

Voters and qualification of.

Time of election.

The election to be held on the last Saturday in March, A. D. 1903, as aforesaid, shall be held by the Alderman and two judges of election, elected at the town election for the year A. D. 1902; at which election there shall be chosen by ballot five Commissioners, three of whom shall be resident freeholders of said town, and whose term of office shall be as follows:

Commissioners, number of.

Terms of office.

Two of said Commissioners shall be chosen for a term of one year, or until their successors are duly elected and qualified, and three of said Commissioners shall be chosen for a term of

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two years, or until their successors are duly elected and qualified, and thereafter, the said town election shall be held by the said Alderman and two citizens of said town, who shall be appointed for that purpose by the Board of Commissioners of said town and who shall be the judges of the election; at which there shall be elected suitable persons to serve as Commissioners for a term of two years, or until their successors are duly elected and qualified, in place of commissioners whose term of office has expired:

Manner of holding elections.

Provided, That at all times three of said Commissioners shall be freeholders, as aforesaid.

The persons having the highest number of votes shall be elected, but should two or more have the highest and equal number of votes, the Alderman shall give the casting vote.

The judges of election shall be duly sworn to discharge their duties with fidelity and impartiality, and the Alderman or any Justice of the Peace or Notary Public may administer such oath, and any oath required by this Act and not otherwise directed.

Judges of election to be sworn.

The said judges of election shall keep a correct list of the names of the voters, which, with an accurate account of the election returns, shall be entered in a book procured for that purpose, and said book shall be deposited with the Clerk as town property.

List of voters to be kept.

Sec. 4. That there shall be four stated meetings in every year of the said Commissioners, viz: On the last Monday in January, April, July and October, at which meetings they may pass all such ordinances, or rules, for the good government of said town, the improvement of the streets, the paving or other improving of the sidewalks, the proper lighting of the streets; the planting and protection of ornamental trees; the repairs and making of public pumps, and for all other matters relating to said town, its police, improvement, ornaments, and general welfare, as said Commissioners may deem proper;

Annual meetings.

Number and time of.

Powers of Commissioners.

Provided, the same be not repugnant to the Constitution and Laws of this State and of the United states.

By such ordinance they may impose fines, penalties and forfeitures, and provide for their collection; also the Commissioners shall have authority to call special meetings of the Com-

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missioners whenever they deem such meetings necessary, and at all such meetings they shall have the right to transact any business that they have authority to transact at regular meetings, and the Commissioners shall receive for their services no compensation.

Organization
and election of
officers of
Board.

The said Commissioners shall, at their first meeting after their election, elect one of their members as President of said Board of Commissioners, whose duty it shall be to preside at the meetings of Council, have the general supervision of all the streets, lanes, and alleys in said town, and of the persons who may be employed by the Town Commissioners; receive complaints of nuisances and other complaints of citizens of violation of laws and ordinances; and present the same to the Commissioners at their first meeting for their action; and such infraction or violation of the law or ordinances as require immediate action, to cause the same to be proceeded on before the Alderman. He shall sign all warrants on the Treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Town Commissioners.

Taxation.

Sec. 9. That the Commissioners herein provided for and their successors in office, shall at their first stated meeting in each year, determine the amount of tax to be raised in said town for that year, not exceeding One Hundred and Fifty Dollars, including tax on real and personal property and poll tax, but excluding exonerations and commissions for collections, and shall appoint one or more assessors who may or may not be of their number, to make an assessment of persons and property in said town, and shall appoint a Collector and Treasurer.

Assessment.

It shall be the duty of the Assessor or Assessors of said town, within two weeks from his or their appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the male citizens residing in said town, above the age of twenty-one years, as well as those owning real estate within the limits, at least twenty-five cents per head; and the said Assessor or Assessors shall forthwith, after making such assessments, deliver to the Commissioners for the time being, a duplicate containing the names of all persons assessed, and the amount of their assessments, distinguishing the real and personal assessments of each.

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When the assessment is returned the Commissioners shall give Appeals. five days public notice of the fact, that they will sit together at a certain place and on a certain day, to be designated by them, from one until four o'clock in the afternoon, to hear appeals from the said assessments.

They shall have power on such day to add to or decrease any Taxes to be paid in 30 days thereafter. assessment. All taxes shall be paid within thirty days from the appeal day, to the Treasurer of said town who shall receipt for the same.

At the expiration of the said thirty days the Commissioners shall cause a transcript of the assessment list, covering all unpaid taxes, to be made and delivered to the Collector, who shall thereupon collect from each taxable, on his list, his proportion of the tax laid, together with eight per centum (8%) thereof additional for the costs of collecting the same, and shall pay over the whole of the tax so collected to the said Treasurer by the first Taxes unpaid to be increased by eight per cent. and delivered to collector for collection. day of October next after the receipt of his duplicate.

The Collector shall have the same power for the collection of Power of collector. said taxes as are conferred by law on the Collectors of county taxes.

Sec. 6. That the Commissioners, or a majority of them, Expenditure of money. shall have authority to employ, and use the money in the treasury of the town, for the general improvement, benefit and ornament of said town, as they may deem advisable, and all the money paid out by the Treasurer shall be paid upon the order of the Commissioners, or a majority of them.

Sec. 7. That any ordinance for the paving or improving of sidewalks shall apply only to those persons owning the property Application of ordinance for paving. fronting upon them, who, and who alone, shall bear the expense of making the pavements, or other improvements ordered.

If such ordinance be not complied with within one month Power of Commissioners in matter of paving ordinance. the Commissioners may procure the materials and work to be found and done, and collect the expense of the same on ten days notice by advertisement at three of the most public places in said town, out of the real or personal estate of the person in default, situate in said town. The sale may be made by any person whom the Commissioners may depute for that purpose, and if the proper notice has been given the sale shall be valid and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and encumbrances.

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The money realized from the sale shall be paid to the Treasurer for the use of the Town.

The Commissioners shall tax and allow the Officer making the sale his reasonable costs, and the surplus, if any, shall be paid to the owner of the property sold.

Powers of
Board as to
streets.

Sec. 8. That the President and Commissioners for the time being shall have the superintendance and oversight of all the roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Kent County; but the said Levy Court shall annually appropriate for the repairs of said roads and streets, a sum of money not less than One Hundred and Twenty-Five Dollars; and shall make an order for the payment thereof to the Treasurer of the Town of Cheswold, for the use of said town.

Treasurer and
collector to be
sworn.

Bond.

Sec. 9. That the Treasurer and Collector shall be severally sworn or affirmed, to discharge their respective duties with fidelity, such oath or affirmation may be administered by any person authorized by the Laws of this State to administer oaths, or by the President of the Board of Commissioners. They shall also before entering upon the duties of their office give bond to the Town of Cheswold, with sufficient surety, to be approved by the Commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands conditioned for the faithful discharge of the duties of their said office, and for the payment to their successor in office of all sums of money belonging to said town, which may remain in their hands upon the settlement of their accounts; to which said bonds and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty.

The said Treasurer shall pay all orders drawn on him by order of said Commissioners, and signed by the President thereof, out of any moneys in his hands belonging to the said town.

He shall settle his accounts with the said Commissioners annually in the month of February and after and at such other times as the said Commissioners may require.

Compensation
of officers.

The Treasurer, Clerk and Assessor of said town shall each receive a reasonable compensation for their services, to be determined by the Commissioners of said town;

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Provided, the compensation of the said Treasurer, as such, shall not exceed two per cent. on all moneys received by him belonging to said town, and of the Treasurer acting as Collector, shall not exceed eight per centum on the taxes collected by him.

Sec. 10. That the Town Commissioners, at their first meeting, or as soon thereafter as convenient, shall annually proceed to elect by ballot some suitable person, resident in said town, to be Alderman of the Town of Cheswold, who may or may not be a Justice of the Peace, resident of said town, to serve as such for the term of one year, and until his successor shall be duly elected, subject, however, to be removed from office at any time, by a vote of two-thirds of all the members of the Board of Town Commissioners. Commissioners to elect Alderman.

Before entering upon the duties of his office, he shall be sworn or affirmed by the President of the Board of Commissioners, or by any one of the Commissioners to perform the duties of his office with fidelity.

Sec. 11. That the Commissioners of said town may appoint such number of town constables as shall be deemed necessary, who shall constitute the town police. Commissioners may appoint constables and remove them.

The Commissioners of said town shall also have power and authority, to remove any of the town constables at any time, and appoint others in the place of those removed, if it shall be deemed necessary to make such appointment.

Sec. 12. That the Commissioners shall appoint a Town Clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the Commissioners, and the same shall be evidence. Commissioners may appoint town clerk.

Sec. 13. The said Commissioners shall have power to locate and lay out new streets, lanes or alleys, or to straighten, widen, or extend those streets now existing, and to fix the compensation for the land so taken. Additional powers.

Whenever land is wanted for any of these purposes it shall be the duty of said Commissioners as soon as the survey and plot is made, to notify the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open, widen or extend the same, and to furnish a general description of the location thereof, and also the amount of the damages or compensation allowed to each, and Condemnation of land for streets.

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if such owner be not resident within said town, to notify the holder or tenant of said real estate, but if their be no holder or tenant of said real estate resident in said town, the said notice may be affixed to any part of the premises;

Owners dissatisfied as to damage may appeal.

If any owner be dissatisfied with the amount of compensation or damage allowed by the said Commissioners, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of compensation or damages by serving a written notice to that effect on the President of the Board of Commissioners. In order to prosecute said appeal, such owner or owners shall within fifteen days after the expiration of the ten days allowed for appeals, and upon ten days notice to the said President of the Board of Commissioners, make written application to the associate judge of the Superior Court of the State of Delaware, in and for Kent County, for the appointment of a commission to determine the amount of damages, and thereupon the said associate judge shall issue a commission under his hand, directing five freeholders of the said County, three of whom shall be resident of the said Town of Cheswold, and two of whom shall be non-residents of the said town, commanding them to assess the damage which the owner of the real estate, through or over whose lands the said street, lane or alley shall pass, who shall have notified the said Commissioners of his intention to appeal, may incur by reason thereof and to make return of their proceedings to the said associate judge at a time therein appointed.

Method of appeal.

Five freeholders appointed by Judge of Superior Court to assess damage.

Duty of freeholders.

The freeholders named in said commission being first sworn or affirmed as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return in writing of their proceedings in the premises to the said associate judge, who shall deliver said return to the said Commissioners of the said Town of Cheswold, which return shall be final and conclusive.

Vacancy.

The said associate judge shall have power to fill any vacancy in said Commission.

Tender of damages.

The amount of damage being so ascertained the Town Commissioners may pay or tender the same to the person or persons entitled thereto within one month after the same shall have been finally ascertained, or, if the person or persons so entitled reside out of or are absent from the Town of Cheswold during

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the said period of one month, or are minors, then the same may be deposited to his or her credit in the Farmers' Bank of the State of Delaware, at Dover, within said time, and thereupon the said lands or property may be taken and occupied for the uses aforesaid.

If in the ascertainment and assessment of damages by the freeholders appointed by the associate judge as aforesaid, the damages shall be increased, the costs of the appeal shall be paid by the Treasurer of the town out of any moneys in his hands belonging to the said Town of Cheswold, but if the damages shall not be increased, the cost of the appeal shall be paid by the party appealing. Costs of appeal.

The fees of the freeholders shall be one dollar per day each and shall be taxed as part of the costs. Fees of freeholders.

After the damages shall be fixed and ascertained as aforesaid, the Town Commissioners shall have the option to pay the damages assessed within the time aforesaid and proceed with the said improvements, or, upon the payment of the costs may abandon the said improvements. Option of Town Commissioners.

Sec. 14. Any land so condemned shall be for the purpose set forth in the proceedings and none other; and, if abandoned for that purpose, shall revert to the owner. No land shall be taken until paid for. If abandoned, land to revert to original owner.

Sec. 15. The said Commissioners shall have power to regulate the streets, lanes, alleys and sidewalks of said town, and lighting of the same, and may direct the sidewalks, or any part thereof, to be paved or otherwise improved, at the expense of the owner of the ground adjacent. Additional powers.

On complaint of any citizen, to examine any chimney, stove-pipe, fixture, or any other matter dangerous to the town, and if adjudged dangerous, to require and compel it to be repaired, remedied or removed; to prevent and remove nuisances therein, to prohibit the firing of guns or pistols, the making of bonfires, or setting off fireworks, or any dangerous sport or practice; and to prevent or suppress any noisy or turbulent assemblages within the town and generally they shall have all the powers necessary to preserve and maintain peace and good order in said town.

Sec. 16. The said Commissioners shall have power and

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Power to enact ordinances.
Scope of. authority to enact ordinances to preserve the health of citizens of said town, and to prevent the introduction of infectious or contagious diseases; to enact ordinances regulating travel over and upon the streets, lanes and alleys of said town and the use thereof; to enact ordinances regulating the running at large, keeping or harboring of dogs, and may provide for the registering of same; and may also provide suitable penalties for the violation of any of said ordinances.

They shall also have full power and authority to exempt from town taxation any manufacturing plant which may be established within the limits of said town, for any term not exceeding ten years.

Special tax for streets. Section 17. The Commissioners shall have power to levy a special tax to pay for right of way, charge and costs incidental to the widening, straightening, extending and laying out and opening new streets, lanes or alleys, which shall be collected as other town taxes.

Constitution of Board. Section 18. The Town Commissioners provided for in this Act and their successors in Office, shall constitute a Board of Commissioners of the town of Cheswold.

Quorum. Three Commissioners shall constitute a quorum to do business, but in determining the necessity or propriety of laying out new streets, when the same may require a special tax, at least three shall concur in favor of doing so. The yeas and nays shall be taken and recorded on the minutes on any vote when required by a member.

Duty of Alderman and constables. Section 19. That it shall be the duty of the Alderman of said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages, or gatherings of persons in or about any building used for any fair, festival, concert, or any social, literary, or religious meetings, or any entertainment whatsoever, or in the streets, lanes, squares, or alleys of said town, at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys, sidewalks; and for this purpose it shall be the duty of any of said constables to seize and arrest any such person so offending, and take him or them before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him, the Alderman shall sentence any such person so convicted, to pay a fine

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not exceeding ten dollars and may commit the party or parties to prison for a period not exceeding thirty days, or until said fine and costs shall be paid.

It shall be the duty of the Alderman of said town, upon complaint made before him, of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. ^{To make arrests.}

It shall be the duty of the constables aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and to take such person so arrested before the Alderman of said town, who shall proceed forthwith to hear and determine the case and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offence in this section first enumerated.

If upon view of the person or persons who may be brought before the Alderman of said town for violation of this section, it shall appear to the Alderman that in his judgment such person or persons are not in a condition to be heard or tried, he may use his own discretion in fixing or appointing a time for trial for all such person or persons brought before him for violating this section.

The fee to the Alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. ^{Fees of Alderman.}

In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of the jail shall be entitled to a fee of fifty cents for each commitment, whether by constable or by the Alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. ^{Fees of constable.}

In cases not herein provided for, the fees of the Alderman and constables shall be the same paid to Justices of the Peace and constables in like cases.

Section 20. The said Commissioners shall provide the Alderman with a suitable docket, and the Clerk and Treasurer with ^{Alderman to be provided with suitable docket.}

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suitable books which shall belong to the town, and the said Alderman, and Clerk and Treasurer shall surrender them in good condition, together with all papers belonging to their respective offices, to their successors, at the expiration of their terms.

Vacancies—
how filled.

Section 21. The said Commissioners shall have power to fill any vacancy in their number caused by deaths, resignation, or otherwise, and the acts of the majority of said Commissioners (except as hereinbefore provided) shall be as binding as the acts of all of them.

Repeal of former Act not to impair validity of previous ordinances, or debts due the town.

Section 22. That an Act entitled "An Act to incorporate the Town of Cheswold," passed at Dover, April 18th, A. D. 1889, and all Acts amendatory thereof and supplementary thereto are hereby repealed, but nothing herein contained shall effect or impair any ordinances now in force in the town of Cheswold which are inconsistent with the provisions of this Act or the Laws of this State, and same are hereby ratified and confirmed until changed, amended or repealed by the Board of Commissioners of said Town.

That all debts, fines, forfeitures and penalties due to said Town, and all debts due to said Town or by said Town to any person or corporation are hereby declared to be unaffected by this repeal, and all taxes that may be now due shall in no way be effected or impaired by any of the provisions of this Act, and all the powers now conferred by law on the Collector for the collection of all taxes shall continue in full force and effect until such taxes shall have been paid, and that all the doings of the Town Commissioners of the Town of Cheswold are hereby ratified and confirmed.

Person other than Alderman may hold election if he be absent.

Section 23. That, if, at any election the Alderman, or any person whose duty it is to hold such election, should not be present for that purpose, at the place designated by the Commissioners for holding the election, the voters present may proceed to select a person, or persons, in place of the Alderman or judge of election so absent.

Act to be submitted to legally qualified voters for adoption.

Section 24. That the present Commissioners of The Town of Cheswold, as soon as conveniently may be after the approval of this Act upon due notice given, shall submit this Act to the legally qualified voters of the said Town of Cheswold, at a special meeting called for that purpose, and when a majority vote of the legal voters aforesaid present at said meeting has been given in

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its favor then this Act shall become fully effective and operative to all intents and purposes whatsoever.

Approved March 19, A. D. 1903.

CHAPTER 422.

OF CITIES AND TOWNS.

AN ACT AUTHORIZING THE CONSTRUCTION, EXTENSION AND IMPROVEMENT OF SEWERS IN THE TOWN OF DOVER, AND EMPOWERING THE TOWN COUNCIL TO BORROW MONEY TO PAY FOR THE SAME.

Whereas, it is apparent that the town of Dover stands in need of a better system of sewers providing not only for the present, but for the future; and, Preamble.

Whereas, a proper regard for the health of the inhabitants of the town, as well as their property and business interests, require that this work be undertaken as soon as possible; now, therefore, Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each Branch thereof herein concurring):

Section 1. That the Town Council of the town of Dover be and is hereby authorized and empowered to construct such sewers and to extend and improve the existing sewers as may seem to them necessary to meet with the requirements of said town, and to that end and for that purpose the Town Council of the Town of Dover is hereby authorized and empowered to borrow on the credit of the said town a sum of money not exceeding Thirty Thousand Dollars (\$30,000), and said sum of money, or as much thereof as may be necessary, shall be used, applied and expended by the Town Council of the town of Dover in the construction, extension and improvement of such sewers as may seem to them necessary to meet with the requirements of said town. Town Council to construct sewers.

To borrow money.

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To issue bonds. Section 2. That the Town Council of the town of Dover, for the purposes set forth in "Section 1" of this Act, shall have full power and authority to issue Bonds of the Town of Dover to be known as "Dover Sewer Bonds," to an amount not exceeding the said sum of Thirty Thousand Dollars (\$30,000).

Amount.

Denomination of bonds. Section 3. The denomination of said Bonds shall be the sum of One Thousand Dollars (\$1,000) each, and shall be numbered from one to thirty, inclusive, and shall bear interest at the rate of Four per Centum (4%) per annum, payable on the first day of January and July in each and every year, at the Farmers' Bank of the State of Delaware, at Dover, on the presentation of the coupons attached to such Bonds representing said semi-annual interest.

Number of.

Rate of interest.

Time of payment.

Date of bonds. Section 4. The said Bonds shall bear date on the first day of January or of July next succeeding the date when this Act shall go into effect, as hereinafter provided; and the principal thereof shall be payable at The Farmers' Bank of the State of Delaware, at Dover at the expiration of Thirty Years from such date; but the said Bonds, or any number thereof, may be redeemed at the option of the Town Council of the said town after the expiration of five years from the date of the same:

Maturity of bonds.

Option as to redemption. Providing, However, That if the Town Council of the town of Dover shall, at any time after the expiration of five years from the date of said Bonds elect to redeem any of such Bonds, such redemption shall be made on the first day of January and July, and in pursuance of a notice signed by the President of the Town Council of the town of Dover and by the Treasurer of the said town of Dover, published for the space of thirty days in one newspaper published in the City of Wilmington, in this State; one newspaper published in the town of Dover, in this State; and one newspaper in the town of Georgetown, in this State:

Such notice shall indicate the Bonds called, and in making such calls the Town Council shall call the Bonds according to their number, beginning with the lowest number; and the interest on the said "Dover Sewer Bonds" shall cease from the date named in any of said calls for redemption.

Preparation of bonds. Section 5. The Town Council of the town of Dover shall direct and effect the preparation, printing and sale of said Bonds authorized by this Act, at such time or times and on such terms as they may deem expedient, but that all the monies arising from

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such sale shall be applied to carry into effect the provisions of this Act.

Section 6. The form of said Bonds with the coupons thereto Form of bonds. attached shall be prescribed by the Town Council of the town of Dover, and said Bonds shall be signed by the president of the Town Council of the town of Dover and by the Treasurer of the said town, and sealed with the Corporate Seal of the said Corporation, and shall be exempt from State, County and Municipal taxation.

As said Bonds and coupons thereto attached shall be paid the same shall be cancelled as the said Town Council shall direct.

Section 7. The payment of the interest on said Bonds and the payment of the principal of said Bonds to be issued for the construction, extension and improvement of such sewers, shall be met as provided in "Section 8" of this Act.

Section 8. The said Town Council of the said town of Dover, shall, as soon as practicable after this Act shall go into effect, as hereinafter provided, adopt a plan for said sewer or sewers, as aforesaid, and shall approximate the whole cost of the construction, alteration, improvement or repair of such sewer or sewers; with full power from time to time to adopt other plan or plans, or to alter or change the same. Town Council to adopt a plan of sewers and cost of same.

The said Town Council shall then appoint three freehold residents of said town, who shall constitute a Board of Assessors To appoint Board of Assessors. for the purposes of this Act, at such compensation as shall be fixed by the said Town Council; and all vacancies in the Board occurring by failure to act, resignation, death or otherwise, shall be filled by the said Town Council at any regular or special meeting of said Council, by majority vote of said Council, and the action of a majority of said Board of Assessors shall be as effective as the acts of all.

The members of said Board before entering upon the duties of their Office shall be sworn or affirmed to faithfully and impartially perform their duties. Members to be sworn.

It shall be the duty of the said Board of Assessors as soon after their appointment and qualification as is practicable, to apportion the approximate cost of the construction of said sewer or sewers to be constructed, improved, altered or extended according to such plan, between the said town and the owners of Duty of Board of Assessors.

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the real estate properties benefitted by such construction, alteration, repair or extension; basing the proportion of said costs to be borne by said town upon the benefits to be received by the said town as a whole.

To make return to Town Council.

The said Board of Assessors shall then make return of their action to the said Town Council at any regular or special meeting, and the said Town Council shall thereupon cause the said action or decision of the said Board of Assessors to be advertised in at least one issue of at least one Newspaper published in said town of Dover, and by said advertisement shall name a day, hour and place when the said Town Council will sit to hear appeals from the action or decision of the said Board of Assessors from any citizen or property owner.

Advertisement of return.

Appeal for return.

The said Town Council shall hear and determine said appeal from the action or decision of said Board of Assessors, with full power to change the proportion of the approximate cost of the construction of such sewers to be borne by the said town, as aforesaid, as fixed by the said Board of Assessors, and the action of the said Town Council, or a majority of them on said appeal, shall be final.

Proportion of cost to be borne by the town to be paid by same and tax levied therefor.

The said proportion of the cost of the construction of such sewers to be borne by the town as aforesaid, and as ascertained by the said Board of Assessors and finally determined by the said Town Council, as aforesaid, shall be paid for by the aforesaid Town Council of the said town of Dover out of an annual tax to be levied for that purpose, and to that end and purpose the said Town Council of the town of Dover is hereby authorized, empowered and directed to levy and raise by taxation, annually, such sum or sums of money as may be necessary and requisite to fully carry into force and effect the provisions of this Act for the payment of the said proportional part of the cost of the construction, alteration, repair and improvement of said sewers to be borne by the said town as aforesaid, and as may be ascertained by the said Board of Assessors and finally determined by the said Town Council, as aforesaid.

Manner of collection of tax.

Said taxes shall be levied and collected as other taxes in said town now are, or may hereafter be, and shall be assessed on the head and on property, and shall be in excess of and in addition to the sum or amounts heretofore authorized to be raised by the said town of Dover.

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After the proportion of the cost of the construction, alteration, repair or extension of the sewer or sewers as aforesaid to be borne by the said town shall have been finally ascertained as aforesaid, the Board of Assessors shall then apportion the remaining proportion of the cost of the construction, alteration, extension and repair of such sewer or sewers among the owners of the properties to be benefited by such sewer or sewers, in the following manner; they shall view all the real estate properties in said town benefited as aforesaid, and shall make a special assessment of the cost of the construction, extension, alteration and improvement of such sewers upon such properties to be known as "The Special Sewer Assessment on Real Estate."

Proportion of cost to be borne by property owners to be fixed by Board of Assessors as "The special Sewer Assessment on Real Estate."

In making such assessment the Board of Assessors shall take into consideration the benefit which each of said properties is to receive from the proposed sewer or sewers, and shall have power to exempt from assessment altogether any property or properties which the said Board deems will receive no benefit therefrom.

Property taxed and exempted.

The said Board of Assessors shall immediately upon the completion of said assessment make return of their action to the said Town Council at any regular or special meeting, clearly indicating in a written assessment the name or names of the owner or owners and the amount of the assessment made by them upon each of such properties so assessed.

Return of assessment to Town Council.

The Town Council of the said town as soon as conveniently may be after receiving said assessment list shall cause a full and complete transcript of said assessment list to be prepared and hung up in the Post Office in said town, or such other public or convenient place as the said Council may select in said town, where it shall remain for at least ten days thereafter for public inspection; and shall also fix a day, hour and place when the said Town Council will sit to hear and determine any appeals from such assessment.

List to be hung up in post office or other public place for inspection.

Day of appeals.

A notice of the day, hour and place when the said Town Council shall sit to hear and determine said appeals shall be given by advertisement in at least one issue of at least one newspaper published in said town of Dover, at least ten days prior to its sitting, as aforesaid, and at such sitting the said Town Council shall have power to hear and determine all such appeals and to make corrections of, additions to, or alterations in such assessment made by the said Board of Assessors, as aforesaid.

Notice of.

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Adjournment
of.

The hearing of any said appeals may be adjourned by said Town Council from day to day until all of said appeals shall have been acted upon, and the action of a majority of the members of the Town Council present and sitting on such appeals shall be final and as effectual as though acted upon by all, but not less than a majority of all members constituting such Town Council shall form a quorum to hear and determine any of such appeals.

Board of As-
sessor's not to
assess their own
properties.

The members of said Board of Assessors shall not assess their own properties, but the same shall be assessed by the members of the Town Council of said town.

Assessments
lien upon
property.

That when said assessments shall have been made, as aforesaid, and finally determined by the Town Council as aforesaid, they shall be a lien upon the property upon which they are made, from the date when such assessments are finally determined by the said Town Council, and such liens shall have priority against any lien, encumbrance or conveyance made or suffered by the owner or owners of such properties.

Payment of any
part of assess-
ment.

That when such assessment shall have been made and finally determined as aforesaid, the said Town Council shall have the power and authority to call for the payment of any part of said assessment as to them may seem right and proper for the purposes of this Act, and annually thereafter shall make calls for the payment of any part of said assessment as to them may seem right, proper and requisite for the purposes of this Act, until the whole amount of said assessment shall have been called for by said Town Council: Provided, However, that not more than one-fifth of said assessment shall be called by the said Town Council in any one year.

Certified copy
of assessment
called to be
placed in hands
of Treasurer of
town.

And when any part of said assessment shall have been called for by the Town Council as aforesaid, it shall be the duty of the said Town Council to cause to be delivered to the Treasurer of the said town a certified copy of said assessment so made as aforesaid, and upon the delivery of the said certified copy of said assessment to the Treasurer as aforesaid, the share or part of said assessment so called for as aforesaid by the said Town Council shall be immediately due and payable.

The Treasurer of the said town shall thereupon give notice, by advertisements posted in at least five of the most public places

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in said town, stating the share or part of the assessment called for, and that the same is due and payable, and shall likewise publish such notice in two newspapers of said town for at least two issues.

Treasurer to give notice by advertisement and by publication.

If said assessment be paid within sixty days after the said Treasurer shall have received such certified duplicate of assessment the face of the bill shall be collected, and upon all bills not paid within sixty days after the Treasurer receives said duplicate as aforesaid, interest at the rate of six per centum (6%) per annum shall be charged until the same is paid in full.

Assessment unpaid after sixty days to bear interest at 6 per cent per annum.

If, However, any part of said assessment, so called for as aforesaid, or any part of the amount called for as aforesaid by the said Town Council, shall remain unpaid at the end of five months from the date when the Treasurer of the said town shall receive his certified duplicate as aforesaid, it shall be the duty of the President of the Town Council of the said Town of Dover, to issue his warrant, directed to the Treasurer of the said town, commanding him to levy the same, with interest thereon accrued, and all costs thereon, upon the grounds or buildings of such owner so assessed as aforesaid, which said grounds or buildings, or any part thereof, shall be sold by the said Treasurer of the said Town at public auction or vendue, after ten days notice in two newspapers published in said town, and a Deed from the town of Dover, under the hand of the President of the Council of said town, and the Seal of the town thereto affixed, attested by the Clerk of the Town Council of said town, shall convey to the purchaser or purchasers of said grounds or buildings as full and complete a title to the said premises, in fee simple, or otherwise, as if the same were executed by the said owner or owners thereof.

Assessment unpaid after five months to be collected by warrant.

Property to be sold at Public auction.

Conveyance of title.

And it shall be the duty of the said Treasurer of the said town, out of the purchase money of the said premises so sold as aforesaid, to pay all costs arising from said process and sale to the parties entitled thereto respectively, and to retain the amount of such assessment then due, as also the remaining part of said assessment not yet called for by said town, together with any accrued interest thereon as aforesaid. The residue of the said purchase money shall be immediately deposited by the said Treasurer in the Farmers' Bank of the State of Delaware, at Dover, to the credit of the owner or owners of the property so sold.

Costs—how paid.

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Additional
sewers.

Section 9. That whenever the Town Council of the town of Dover shall determine that there is need for the construction of additional sewers for said town other than those proposed to be constructed under the first plan or system by them to be adopted, they shall have full power and authority to construct the same.

Additional
Powers.

They shall likewise have power and authority to appoint additional boards of assessors, when and as the same shall be needed, and the said Board of Assessors shall have all the powers hereinbefore conferred upon said Board. For the construction of such additional sewers the said town council shall have the same power and authority to levy and collect assessments therefor as hereinbefore conferred, and according to the manner hereinbefore provided.

Rights of
owners.

Section 10. That when any such assessment shall have been made upon any lands and premises as aforesaid, the owner thereof, his heirs or assigns, shall have the right to connect such land with such sewer, under and subject to such rules and regulations as the Town Council of the said town shall from time to time prescribe, upon executing to the said town a release of all damages which may at any time happen to such property in any way resulting from such connection.

Deposit of
revenue to
account of
"The Sewer
Fund."

Application of.

Section 11. All revenue derived from this act shall be deposited in some bank or Trust Company to be designated by the said Town Council, to the credit of said town, and said fund shall be known as "The Sewer Fund" and shall be used for the payment of the interest on the bonds authorized to be issued under this act for the redemption of said Bonds, for extensions and improvements of the sewer system for said town, and for the payment of the expenses incident to said sewer system.

Treasurer to
give additional
bond.

Section 12. The Treasurer of the said town of Dover shall give such additional Bond to the town of Dover in such penal sum and with such surety as the said Town Council of said town may from time to time require, conditioned for the faithful discharge of the duties of his said Office under this Act, and for the payment to his successor in Office of all sums of money belonging to said town arising by virtue of this Act which may remain in his hands upon a settlement of his accounts, to which said Bond and condition there shall be annexed a warrant of attorney for the confession of judgment for such penalty.

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Section 13. That whenever the said Town Council shall determine that it is necessary in accordance with any plan that may hereafter from time to time, be adopted, to lay any public sewer across private property, either within or without the corporate limits of the town of Dover, and shall have fixed the compensation thereof, it shall be their duty immediately after the survey and location of the course of said public sewer, to notify, in writing, the owner or owners of the real estate through which said public sewer may run, of their determination to lay the same, and to furnish a general description of the location thereof, and also the amount of the damages or compensation allowed each, and if such owner be not resident of the said town, to notify the holder or tenant of such real estate; but, if there be no holder or tenant of such real estate residing in said town, said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the Town Council, as aforesaid, he or she may, within ten days after such notice, as aforesaid, appeal from the said assessment of compensation for damages, by serving a written notice to that effect on the President of the said Council, or the person performing the duties of the President of the said Council for the time being. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals and upon five days notice to said President of Council, or the person performing the duties of the President of the Council for the time being, make written application to the associate judge of the Superior Court of the State, residing in Kent County, for the appointment of a commission to hear and determine the matter of damages and advantages, and thereupon the associate Judge shall issue a commission, under his hand, directed to five freeholders of the said County, three of whom shall be residents of said town, commanding them to assess the damages, which the owner of the real estate through whose lands the said public sewer shall pass, who shall have notified the said Town Council of their intention to appeal, may incur, by reason thereof, and to make returns of their proceedings to the said associate judge at a time therein appointed. The commissioners named in such commission being first sworn or affirmed as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge,

Notice to owners of private property to run sewer.

Of amount of damages.

Dissatisfaction as to compensation.

Property owners may appeal.

Manner of appeal.

Associate Judge to issue commission to five freeholders to assess damages.

Commissioners to be sworn.

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Return to be final. who shall deliver said return to the said Town Council, which shall be final and conclusive. The said associate judge shall have the power to fill any vacancy in the commission. The amount of damages being so ascertained, the Town Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from town during said period of one month, or are minors, or refuse to accept the same, then the same may be deposited to his or her credit in the Farmers' Bank of the State of Delaware, at Dover, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid.

Payment of damages.

Payment to non-residents or minors.

Cost—how paid.

In the ascertainment and assessment of damages by the freeholders appointed by the associate judge aforesaid, if the damage shall be increased, the costs of the appeal shall be paid by the treasurer of the town out of any monies in his hands belonging to the town, which may arise by virtue of this act, but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars (\$2.00) per day to each, which shall be taxed as a part of the costs.

After the damages shall be taxed and ascertained by the freeholders as aforesaid, the Town Council shall have the option to pay the damages assessed within the time aforesaid and proceed with the laying of the said public sewer, or upon the payment of the costs only, may abandon the laying of the proposed sewer.

Additional powers.

Section 14. The said Town Council is hereby authorized and empowered to pass and adopt such rules and regulations as the said Town Council may see proper for regulating, controlling and prescribing the manner in which any sewer or drain constructed by order of, or in charge of said Council shall be used, and the manner in which the connections therewith, or with any private sewer now existing or hereafter to be constructed in any public street, lane or alley in the said town, any house, building, yard or other place shall be made for the keeping of the same in proper repair, and shall prescribe certain fines and penalties for the non-observance of such rules and regulations, said fines to be collected in the same manner that other fines for offence against the ordinances of the town are now or may hereafter be collected.

Section 15. That before this Act shall go into effect it

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shall be submitted to a vote of the freeholders of the said town of Dover. The said vote, when submitted, be by ballot, upon which shall be printed or written either the words "For a Sewer" or the words "Against a Sewer." A majority of the ballots cast legally at said election shall determine the question.

Provisions of act to be submitted to vote of taxables.
Form of ballot.

• The said Town Council of the said town of Dover is hereby authorized to call at such time as they deem proper a special election for that purpose.

Special election.

In case this Act shall not be approved by a majority of the votes cast at such special election, the said Town Council shall, upon the application of twenty resident freeholders of the said town, call another election provided six months shall have elapsed since any preceding election for the same purpose was held, and so on from time to time other election shall be called and held as the said Town Council may deem proper.

Every freehold resident in said town, above the age of twenty-one years, shall have a right to vote at any such election, and any female resident freeholder above said age, shall have the right to vote at any such election, either in person or by proxy

Qualification of voters.

Notice of any such election shall be given by the Clerk of said Town Council of the town of Dover, by public notices, posted in at least ten public places in said town of Dover, at least ten days prior to the time of holding any such election.

Notice of election.

The place of voting at such election, the conduct of such election, the counting of ballots, the certifying of results and the like, shall be as the same now are, or hereafter may be provided by law for the regular town election of the said town of Dover.

Method of holding election.

Section 16. The faith of the town of Dover is hereby pledged for the payment of all the Bonds that may be issued under the provisions of this Act.

Faith of town pledged as security.

Approved March 24, A. D. 1903.

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CHAPTER 423.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 535, VOLUME 20, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF CLAYTON," CONCERNING THE COMPENSATION OF CERTAIN OFFICIALS OF THE TOWN OF CLAYTON; THE COLLECTION OF MONEY DUE AND OWING TO THE TOWN OF CLAYTON BY ATTACHMENT PROCESS; PROHIBITING BONFIRES; THE ISSUING OF WARRANTS IN THE NAME OF THE STATE; THE COLLECTION OF TAXES; AND THE ASSESSED VALUATION OF REAL ESTATE IN THE TOWN OF CLAYTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each house concurring therein):

Compensation
of Alderman
and assistants
for holding
election.

Section 1. That Section 2 of Chapter 535, Volume 20, Laws of Delaware, be and the same is hereby amended by adding to said section the following: "For holding the election under the provisions of this section, the Alderman shall receive the sum of two dollars and fifty cents, and each of his assistants shall receive the sum of one dollar and fifty cents."

Compensation
of officials.

Section 2. That Section 5 of said Chapter be, and the same is hereby amended by adding to said Section the following: "As compensation for their services, the President, Secretary and Treasurer, shall each receive the sum of fifteen dollars per year, and each of the remaining councilmen shall receive the sum of ten dollars per year."

Extension of
supervision of
roads and
streets.

Section 3. That Section 6 of said Chapter be, and the same is hereby amended by inserting between the word "opened" and the word "within" in the seventeenth line of said section, the following words "Wholly or Partly."

Increase of
appropriation
to be paid by
Levy Court.

That said section 6 of said Chapter be, and the same is hereby further amended by striking out the figures "\$150.00" in the twenty-first line of said Section, and inserting in lieu thereof the following figures, viz: "\$200.00."

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Section 4. That Section 10 of said Chapter be, and the same is hereby amended by striking out in the twenty-sixth line of said section the words "Town of Clayton" and inserting in lieu thereof the words, "State of Delaware."

Change of name in which warrants shall be issued.

Section 5. That said Chapter and Volume be, and the same is hereby further amended by inserting between the thirteenth and fourteenth section of said Chapter the following: "Section 13½. That in all cases where any fines, penalties, moneys, debts, damages, or obligations are due and owing to the said The Town of Clayton and arising from any of the provisions of this Act, the said fines, penalties, moneys, debts, damages, or obligations in addition to the remedies herein set forth by this Act for their recovery, may be enforced, collected and recovered by means of attachment process as fully and effectually as any debt or damage may be recovered by virtue of any attachment law of this State."

Amended by new section with power to collect fines, &c

Method of collection.

Section 6. That Section 17 of said Chapter be and the same is hereby amended by striking out from said section the words "in any of the streets, lanes, alleys, or squares," and inserting in lieu thereof the following, "within the limits."

To suppress bonfires "within the limits" of said town.

Section 7. That Section 18 of said Chapter be, and the same is hereby amended by adding after the word "Town" and before word "To" in the seventh line of said Section, the following: "under a penalty of not less than five dollars, nor more than twenty dollars."

Penalty for slaughter houses and refuse matter within town limits.

Section 8. That Section 18 of said Chapter be, and the same is hereby further amended by striking out in the twenty-ninth line of said Section the words "Town of Clayton" and inserting in lieu thereof the following words, "State of Delaware."

Change of name in which warrants shall be issued.

Section 9. That the said Chapter 535 be, and the same is hereby further amended by inserting between Section 20 and Section 21 the following: "Section 20½. That the election of a collector of taxes for said town, as provided for in Section 20 of this Act, the Town Councilmen may, and they are hereby authorized to elect as Collector of taxes for said town, the County Collector of taxes in and for the Third Representative District of Kent County. And upon the election of the County Collector aforesaid, by the Council of said Town, he shall and is hereby required under a penalty of fifty dollars and disqualifi-

Collector of town taxes may be county collector of taxes.

Penalty for failure to collect taxes.

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cation for reappointment as County Collector, to collect the said Town Taxes."

No limitation
to amount of
tax.

Section 10. That section 22 of said Chapter be, and the same is hereby amended by striking out at the end of said Section the following words: "And shall not exceed the sum of nine hundred dollars."

Secretary not
to collect taxes
after 15th day
of July in any
year.

Section 11. That Section 28 of said Chapter be, and the same is hereby amended by adding after the word "Provided" in the twentieth line of said Section, and before the word "it," the following, "Provided, however, that in any year in which the Council of said Town shall elect a Collector of Taxes, then and in such case, the said Secretary shall have authority to collect and receive taxes only until the fifteenth day of July in said year."

Approved March 24, A. D. 1903.

CHAPTER 424.

OF CITIES AND TOWNS.

AN ACT TO AUTHORIZE THE TOWN OF SMYRNA TO BORROW SIX THOUSAND DOLLARS FOR THE IMPROVEMENT OF THE WATER AND THE ELECTRIC LIGHT PLANTS IN SAID TOWN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Smyrna to
borrow \$6,000.

Section 1. That the Town Council of the Town of Smyrna is hereby authorized and empowered to borrow on the credit of said town, the sum of Six Thousand dollars to be used for the improvement of the water and the Electric Light Plants in said Town.

Town Council
to issue bonds.

Section 2. That the Town Council of said Town for the purpose set forth in Section 1 in this Act shall have full power and authority to issue bonds of the Town of Smyrna denomi-

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nated "Smyrna Electric Light Bonds" to an amount not exceed- Name of.
ing the said sum of Six thousand dollars.

Section 3. The denomination of said bonds shall be the sum Denomination
of One thousand dollars each and shall be numbered sixteen, sev- of.
enteen, eighteen, nineteen, twenty and twenty-one and shall bear
interest at a rate not exceeding five per centum per annum paya- Rate of interest.
ble on the first day of January and July in each and every year at
the Fruit Growers' National Bank of the State of Delaware at
Smyrna, on the presentation of the coupons attached to such When and
bonds representing the said semi-annual interest. where payable.

Section 4. The said bonds shall bear date the first day of Date of bonds.
July A. D. 1903, and the principal thereof shall be payable at the Principal, when
Fruit Growers' National Bank of the State of Delaware at Smyrna, at the expiration of twenty years from said date, but the said and where pay-
bonds may be redeemed at the option of the Town Council of Redemption.
said town after the expiration of ten years from the date of the
same. Provided however, if the Town Council of the Town of
Smyrna shall at any time after the expiration of ten years from
the date of said bonds, elect to redeem any of such bonds such re-
demption shall be made on the first day in July, and in pursu-
ance of notice signed by the President of the Town Council of
the Town of Smyrna, and by the Treasurer of the said Town of
Smyrna, published for the space of thirty days in one newspaper
published in the City of Wilmington in this State, one newspaper Publication of
published in the town of Smyrna in this State, and one newspa- notice.
per in the town of Georgetown in this State. Such notice shall
indicate the bonds called, and in making such calls the Town How called.
Council shall call the bonds according to their numbers, begin-
ning with the lowest number, and the interest on any of the said
Smyrna Electric Bonds shall cease from the date named in any of
said calls for redemption.

Section 5. That the Town Council of the Town of Smyrna Town Council
shall direct and effect the preparation and printing and sale of to prepare,
said bonds authorized by this Act at such time or times and on print and sell
such terms as they may deem expedient, but that all the money, bonds.
the proceeds of such sale, shall be applied to carry into effect Expenditure.
the provisions of this Act.

Section 6. That the form of said bonds with the coupons How signed.
thereto attached shall be prescribed by the Town Council of the
Town of Smyrna, and the said bonds shall be signed by the Pres-

OF CITIES AND TOWNS.

ident of the Town Council of the Town of Smyrna and by the Treasurer of the said Town, and sealed with the Corporate seal of said corporation and shall be exempt from State, County and Municipal taxation. As the said bonds and the coupons thereto attached shall be paid, the same shall be cancelled as the said Town Council shall direct.

Seal. **Cancellation.** **Surplus revenues of town of Smyrna applicable to payment of bonds.** Section 7. That any revenues of the Town of Smyrna arising from either the water plant or electric light plant in said town not heretofore pledged for the payment of either interest or principal of any other bonds issued by said town, and not needed for keeping in repair and operating said plants shall be applicable to the payment of principal and interest of the bonds herein authorized as the same shall be and become due and payable.

Town Council to levy a special tax. **Sinking fund.** Section 8. That the Town Council of said Town of Smyrna are authorized and required to levy upon all assessable real estate in the Town of Smyrna, a special tax sufficient to pay all the interest accruing on said bonds, that the revenues of said town may be insufficient to pay and the said Town Council are hereby authorized and empowered to levy a further special tax upon all the real estate in said town for the purpose of establishing a sinking fund adequate to the redemption of said bonds, at or before the maturity of all the bonds which may be issued under the provisions of this Act.

Faith of said town pledged for payment of bonds. Section 9. The faith of the Town of Smyrna is hereby pledged for the payment of all the bonds that may be issued under the provisions of this Act.

Approved February 26, A. D. 1903.

OF CITIES AND TOWNS.

CHAPTER 425.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 168, VOLUME 18, LAWS OF DELAWARE, ENTITLED "AN ACT IN RELATION TO THE TOWN OF FELTON."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all members elected to each branch of the Legislature concurring therein):

Section 1. That Section 1 of Chapter 168, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out the words "one hundred and fifty" in the sixth line of said Section, and inserting in lieu thereof the words "two hundred." Increase of appropriation by Levy Court.

Approved March 24, A. D. 1903.

CHAPTER 426.

OF CITIES AND TOWNS.

AN ACT TO AUTHORIZE THE TOWN COMMISSIONERS OF FREDERICA TO REPAIR AND IMPROVE THE TOWN-HALL IN SAID TOWN, AND TO BORROW MONEY FOR THAT PURPOSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof herein concurring):

Section 1. That the Town Commissioners of Frederica be and they are hereby authorized and empowered to repair and im-

OF CITIES AND TOWNS.

Town Commissioners to repair Town Hall.

prove the town-hall in said town of Frederica as may seem to them necessary and requisite and to that end and for that purpose, and the Town Commissioners of Frederica are hereby authorized and empowered to borrow on the credit of said town the sum of Two thousand Dollars (\$2000.00), and said sum of money, or so much thereof as may be necessary, shall be used, applied and expended by the Town Commissioners of Frederica in the repairing and improvement of the said Town-Hall.

To borrow money.

Section 2. The Town Commissioners of Frederica for the purposes set forth in "Section 1" of this Act, shall have full power and authority to issue bonds of the Town Commissioners of Frederica to be Known as "Frederica Town-Hall Bonds" to an amount not exceeding the said sum of Two Thousand Dollars (\$2000.00).

Denomination of bonds.

Interest.

Section 3. The denomination of said Bonds shall be the sum of Five Hundred Dollars (\$500.00) each, and shall be numbered from 1 to 4, inclusive, and shall bear interest at a rate not to exceed Five Per Centum (5%) per annum, payable on the first day of January and of July in each and every year, at the First National Bank of Frederica, at Frederica, on the presentation of the coupons attached to such Bonds representing the said semi-annual interest.

Date of bonds.

Section 4. The said bonds shall bear date the first day of July, A. D. 1903, and the principal thereof shall be payable at the First National Bank of Frederica, at Frederica, at the expiration of ten years from said date.

Preparation and sale of bonds.

Section 5. The Town Commissioners of Frederica shall direct and effect the preparation, printing and sale of said bonds authorized by this Act at such time or times and on such terms as they may deem expedient, but that all the monies arising from such sale shall be applied to carry into effect the provisions of this Act.

Form of bonds.

Signed and sealed.

Section 6. The form of the said Bonds with the coupons thereto attached shall be prescribed by the Town Commissioners of Frederica, and said bonds shall be signed by the President of the said Town Commissioners of Frederica, and by the Treasurer of said town, and sealed with the corporate seal of the said Corporation, and shall be exempt from State, County and Municipal taxation.

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When the said bonds and the coupons thereto attached shall be paid, the same shall be cancelled as the said Town Commissioners of Frederica shall direct. Cancellation of bonds.

Section 7. For the purposes of this Act the Town Commissioners of Frederica are hereby authorized, empowered and directed to levy and raise by taxation, beginning with the year A. D. 1903, and annually thereafter, the sum of Three Hundred Dollars (\$300.00), which said sum of Three Hundred Dollars (\$300.00) shall be in addition to any and all sums of money now authorized to be raised by the said the Town Commissioners of Frederica. Additional taxation.

Said Taxes shall be levied and collected as other taxes in said town are, or may hereafter be, and shall be assessed on the head, and on property. Levy and collection of.

Section 8. That all monies derived from taxes levied and collected under the provisions of this Act shall be deposited by the said the Town Commissioners of Frederica in some bank or Trust Company to the credit of the said the Town Commissioners of Frederica, and shall constitute and be known as a sinking fund which shall be used for the purpose of paying the interest on said bonds and for the redemption of said Bonds. That the faith of the Town Commissioners of Frederica is hereby pledged for the payment of any and all Bonds authorized to be issued under the provisions of this Act. Place of deposit of money. Faith of the Commissioners pledged for payment of bonds.

Section 9. This Act shall be deemed and taken to be a public act.

Approved March 26, A. D. 1903.

OF CITIES AND TOWNS.

CHAPTER 427.

OF CITIES AND TOWNS.

AN ACT PROVIDING FOR PROTECTION AGAINST FIRE TO THE TOWN OF HARRINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch of the Legislature concurring therein):

Fire Commis-
sioners for
town of Har-
rington.

Section 1. That Dr. Beniah L. Lewis, William H. Franklin and John D. Brown, be and they are hereby appointed Commissioners to be known as the Fire Commission of the Town of Harrington, Kent County, Delaware, whose duty it shall be, immediately upon the approval of this Act by the Governor, to make a true, just and impartial valuation of all real estate within said Town of Harrington, having improvements thereon, and to assess, levy, and collect from the owners of such improved real estate a sum of money not to exceed one thousand dollars for the year A. D. 1903.

To make
valuation of
real estate and
collect tax.

Term of office.

Section 2. That the persons named as Commissioners in Section 1 of this Act shall serve for the term of one year from the first Saturday in March A. D. 1903, and annually thereafter the Town Commissioners of the Town of Harrington shall appoint three resident freeholders to serve as Fire Commissioners for said Town.

Town Com-
missioners to
appoint there-
after.

Money col-
lected to be
spent for fire
apparatus.

Section 3. That the Commissioners appointed by the provisions of Section 1 of this Act be and they are hereby authorized to purchase with the aforesaid sum of money hereby authorized to be assessed, levied and collected, hose, hose-carriages, a suitable building or buildings for the care of the same, and all necessary apparatus and appliances whatsoever to be used in the suppression, fighting and extinguishing of fire in said town of Harrington and the sum of money so assessed, levied, and collected shall be used for no other purposes whatsoever. The pro-

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visions of this Act so far as they relate to the assessment, levy- Termination of provision of this Act as to collection of aforesaid sum of money.
 ing and collection of the aforesaid sum of money shall cease, terminate and become inoperative from and after the first Saturday in March, A. D. 1904.

Section 4. That immediately upon the completion of the Assessment.
 assessed valuation of the improved real estate by the Commissioners aforesaid, they shall give public notice for at least five Notice of.
 days in five of the most public places in said Town of Harrington, stating that such assessment has been completed and that such Commissioners will sit on a certain day and at a certain Appeals.
 place to hear appeals from the action of said Commissioners and to rectify errors and to enter omissions in said assessment.

Section 5. That all persons of the said Town of Harrington Tax if paid at time specified subject to discount.
 required to pay any sum of money assessed and levied against them under the authority of this Act who shall pay the said Fire Commission the money so assessed and levied against such person on or before the fifteenth day of April A.D. 1903, such person or persons shall be allowed a discount of eight per cent. on the gross amount of the sum of money so assessed and levied against him or them.

Section 6. That on the fifteenth day of April A. D. 1903, Collector appointed.
 the said Commissioners shall appoint a collector, to collect and receive all moneys hereby authorized to be assessed and levied which shall not have been paid to the said Commissioners by the fifteenth day of April aforesaid. The collector so appointed shall have all the authority of a collector of County Taxes in the collection of said money. Before entering upon the performance Bond of.
 of his duties, the said Collector shall give bond with sufficient surety to be approved by the aforesaid Commissioners, in a penal sum of double the amount of money to be collected by him.

Section 7. That if any vacancy or vacancies shall occur from Vacancies.
 any cause whatsoever in the commission named in this Act, such vacancy or vacancies shall be filled by the Commissioners of the How filled.
 Town of Harrington.

Approved March 31, A. D. 1903.

OF CITIES AND TOWNS.

CHAPTER 428.

OF CITIES AND TOWNS.

AN ACT AUTHORIZING THE TOWN COUNCIL OF MILFORD TO BORROW TWENTY THOUSAND DOLLARS FOR STREET AND SEWER IMPROVEMENT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Town Council
of Milford to
borrow \$20,000.

Expenditure of.

Town Council
to issue bonds.

Denomination
of.

Date.

Number.

Rate of interest.

When and
where payable.

Section 1. That the Town Council of Milford be, and it is hereby authorized and empowered to borrow on the faith and credit of the Town of Milford a sum not exceeding Twenty Thousand Dollars; the said sum, or so much thereof as may be necessary, to be used by said Council in the extension and improvement of the sewers and sewer system of the Town of Milford, and in the improvement of the streets of said Town.

Section 2. That the Town Council of Milford, for the purposes set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the Town of Milford, said bonds to be denominated "Milford Street and Sewer Bonds," to an amount not exceeding in the aggregate the sum of Twenty Thousand Dollars.

The said Bonds shall be issued in such denominations as the said Town Council of Milford may deem proper, and shall be dated the first day of July in the year in which they may be issued, and shall be numbered consecutively beginning with number one, and shall bear interest at such rate per annum as said Town Council of Milford shall determine, not exceeding six per centum per annum, payable on the first days of January and July at The First National Bank of Milford, on the presentation of the coupons attached to such bonds representing the said semi-annual interest.

The principal of the said bonds shall be payable at The First

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National Bank of Milford at the expiration of twenty years from the date of said bonds, but the said bonds or any of them, may be redeemed at the option of the said Town Council of Milford at any time after the expiration of ten years from the date of said bonds; provided, however, that if the Town Council of Milford shall, at any time after the expiration of ten years from the date of said bonds, elect to redeem any of said bonds, such redemption shall be made on the first days of January or July, and in pursuance of notice signed by the President of said Town Council of Milford and by the Treasurer thereof, published for the space of thirty days in one newspaper published in the city of Wilmington in this State, and one newspaper published in the said Town of Milford. Such notice shall indicate the bonds called, and in making such calls the Town Council of Milford shall call the bonds according to their number beginning with the lowest number, and the interest on any of the said bonds shall cease from the date named in any of said calls for redemption.

Principal,
where and
when payable.

Redemption.

Notice.

Notice to in-
dicate bonds
called.

Section 3. That the Town Council of Milford shall direct and effect the preparation and printing and sale of said bonds authorized by this Act, at such time or times and on such terms as the said Town Council of Milford may deem expedient, but all moneys, the proceeds of such sales, shall be applied to carrying into effect the provisions of this Act.

Town Council
to prepare,
print and sell
bonds.

Section 4. That the form of said bonds with the coupons thereto attached, shall be prescribed by the said Town Council of Milford, and the said bonds shall be signed by the President of the said Town Council of Milford and by the Treasurer thereof, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and municipal taxation.

Town Council
to prescribe
form of bonds.

Signed.

Sealed.

Exemption.

As the said bonds and coupons thereto attached shall be paid, the same shall be cancelled as the said Town Council of Milford shall direct.

Section 5. That the said Town Council of Milford is hereby authorized and required to levy and raise by taxation in each year a sum of money sufficient to pay all interest accruing on said bonds or any of them, whilst any of said bonds shall remain unpaid; and the said Town Council of Milford is further authorized and empowered to levy and raise by taxation from time to time such sum or sums as said Council shall deem proper to establish a sinking fund adequate for the redemption of said bonds.

Town Council
to levy and
raise by taxa-
tion sufficient
sum to pay
interest.

Levy a further
sum to establish
a sinking fund.

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at or before the maturity of all the bonds which may be used under the provisions of this Act, provided that the amount to be raised for the purpose of establishing said sinking fund for the redemption of said bonds, shall not exceed the sum of two thousand dollars in any one year. The taxes for the said interest and for the said sinking fund shall be levied and collected as other taxes in said Town are, and shall be assessed on the head and on property, and shall be in excess of, and in addition to the sum or amount heretofore authorized to be raised by the said Council.

Amount.
How collected

The sinking fund provided for by this Act shall be deposited in the First National Bank of Milford, and shall not be available for any other purpose; but if the said Town Council shall elect to invest said fund, or any part thereof, in some safe security or securities until such times as it may be needed for the redemption of the bonds authorized by this Act, or any of them, said Town Council is hereby authorized to do so by a three fourths vote of the members of said Council.

Sinking fund, where deposited.

The Treasurer of the Town may, if the Council deem proper, be required to give additional bond with sufficient surety for such sum as said Town Council shall determine and approve.

Treasurer to give additional bond.

Section 6. That the faith of the Town of Milford is hereby pledged for the payment of any bonds that may be issued under the provisions of this Act.

Faith of town pledged for payment of bonds.

Question to be submitted to taxables.

Election.

Notice of.

Voters, and qualification of.

Section 7. That before the provisions of this Act shall go into effect, the question shall be submitted to the taxables of said town resident therein, at a special election to be called by the Town Council aforesaid at such time and place as said Council shall determine, and after notice thereof has been posted by said Council at least ten days before said election, in at least five public places in said Town. At such election any person having a right to vote at the regular town election then next preceding, shall be deemed a qualified elector. If a majority of the votes cast at such special election be in favor of the provisions of this Act, the same shall be at once fully operative. If, however, a majority of said votes shall be against this Act, the Town Council shall, when petitioned so to do by at least twenty of the residents taxables of said Town, submit the question again at a special election, and so from time to time whenever petitioned so

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to do as aforesaid. The notices for any special election herein authorized shall be as provided herein for the first special election.

Approved March 31, A. D. 1903.

CHAPTER 429.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 649, VOLUME 18, LAWS OF DELAWARE ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE," RELATING TO THE ANNUAL APPROPRIATION BY THE LEVY COURT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch concurring therein):

Section 1. That Section 6 of Chapter 649, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out the word "one" in the twenty-first line of said Section 6 of said Chapter and inserting in lieu thereof the word "two."

Increase of appropriation by Levy Court.

Approved March 9, A. D. 1903.

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CHAPTER 430.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 199, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LEWES," BY PROVIDING FOR VACANCIES IN THE BOARD OF COMMISSIONERS OF SAID TOWN, AND INCREASING THE POWERS OF THE TREASURER IN THE COLLECTION OF TAXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch thereof concurring therein):

Vacancy for
non-attendance.

Section 1. That Section 2 of the Act entitled "An Act to re-incorporate the town of Lewes," passed at Dover March 7th, 1901, being Chapter 199 of Volume 22, Laws of Delaware, be amended by inserting between the word "term" and the word "shall," in the 58th line of said section, the words "or absence from any two consecutive stated meetings of said Board of Commissioners, as provided for in Section 15 of said Act, for any cause other than that of physical inability to attend."

Treasurer.

Increase of
powers.

Delinquent
taxables.

Suit against.

Section 2. That Section 19 of said Chapter be and the same is hereby amended by adding after the word "levies" and before the word "the," in the 16th line of said Section, the following words, to wit: "and it shall and may be lawful for the said Treasurer, after demand made by him for the payment of the tax assessed against any person liable to taxation under this Act, and the failure of said taxable to pay the same on said demand, to give written notice to any person residing in the County of Sussex, whom he may suppose to have in his possession any goods or chattels, rights or credits, moneys or wages, belonging or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if the person so served with notice shall fail to deliver such goods and chattels, or to pay so much money or wages in his possession as shall satisfy said tax due from said delinquent, said Treasurer may proceed by suit, in the name of "Commissioners of Lewes," be-

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fore any Justice of the Peace in said County of Sussex, against any person so notified as aforesaid, and recover against him a judgment for the amount of said tax of said delinquent, with costs, or so much thereof as may be equal to the value of the good and chattels, rights and credits, moneys and wages in his hands at the time of service of said notice, or any time between then and the rendition of said judgment."

Approved April 7, A. D. 1903.

 CHAPTER 431.

OF CITIES AND TOWNS.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO BORROW ADDITIONAL MONEY AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF, FOR THE EXTENSION AND SUPPORT OF THE WATER WORKS, ELECTRIC LIGHT PLANT AND SEWER SYSTEM OF THE TOWN OF LEWES.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of the members of each branch concurring therein):

Section 1. That the Commissioners of Lewes be and are hereby authorized, empowered and directed to borrow, on the credit of the town of Lewes, a sum of money not exceeding Ten Thousand Dollars (\$10,000.00) which shall be applied, appropriated and expended for the purpose of the extension and support of the water works, Electric Light plant and sewer system of the said town. That for the purpose of carrying into effect the provisions of this act, the said Commissioners of Lewes shall have power and authority and are hereby directed to issue bonds of the town of Lewes of such denomination as they shall deem best, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually on the first days of July and January, respectively, in each year, at such bank or trust Company as the Commissioners shall designate. The principal of such

Power to borrow money.

How expended.

To issue bonds.

Interest.

Payable.

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Redemption of. bonds shall be made payable in forty years from the date of the issue thereof, the said Commissioners of Lewes reserving the power and authority of redeeming said bonds or any part of them at or after the expiration of twenty years from date of the issue of the same; Provided however, that if the said Commissioners of Lewes elect to redeem any of said bonds at the expiration of twenty years, as aforesaid, such redemption shall be effected on the first days of July or January, and in pursuance of a notice to that effect published by the said Commissioners of Lewes in at least four issues of two newspapers, one published in the City of Wilmington and one in Sussex County. In calling said bonds for redemption and payment they shall be called consecutively, commencing with the lowest number; the interest on all said bonds so called shall cease from the date named for their redemption and said bonds when paid shall be cancelled. If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the Commissioners of Lewes may if they deem it expedient, redeem and pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

Preparation and form of bonds. Section 2. That the Commissioners of Lewes shall direct and effect the preparation and printing of the bonds authorized by this act, and shall also prescribe the form of said bonds, which shall be signed by the Mayor of Lewes and countersigned by the Secretary of the said Commissioners, and shall be sealed with the corporate seal of said Commissioners and be exempt from all State, County and Municipal taxation.

Sale of. As the said bonds and coupons thereon are paid, the same shall be cancelled in such manner as the said Commissioners shall direct, and it is further provided that the said Commissioners of Lewes shall place the bonds in the hands of the Board of public works of said town of Lewes, who shall negotiate the sale and delivery of the same, and the moneys, the proceeds of the sale of said bonds, shall be deposited with the treasurer of the said board of public works, to be used for the purpose of carrying into effect the provisions of this act.

Additional tax to be levied. Section 3. That the Commissioners of Lewes are authorized and required to levy upon all the assessable real estate and the improvements upon public lands within the limits of or vested in the said town. Annually, at the same time that the

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taxes are levied by the said Commissioners of Lewes for other purposes, an additional tax sufficient to pay all the interest accruing on said bonds which the rents and revenues derived from said Water Works and Electric Light plant may be inadequate to meet; Provided that this additional tax shall not exceed Four Hundred Dollars (\$400.00) in any one year. The said Commissioners of Lewes are further authorized and empowered at their discretion to levy a further additional tax upon the said real estate and improvements upon public lands, annually, for the purpose of establishing a sinking fund adequate to the redemption at or before maturity as prescribed in this act, of all the bonds which may be issued under the provisions of this act; Provided that the amount to be raised for purpose of said sinking fund shall not exceed the sum of Two Hundred Dollars (\$200.00) in any one year. The additional taxes provided for in this section shall be collected from the owners of real estate and improvements on public lands in the same manner as the other taxes levied by the said Commissioners of Lewes, and shall be levied on the regular annual assessment. The sinking fund provided for by this act shall be deposited in a bank or trust company in Sussex County, or may be invested by the Commissioners of Lewes until such time as it may be needed for the redemption of the bonds, on such security as the said Commissioners may approve.

The treasurer of the town shall give additional bond for such sum and with such surety as the Commissioners of Lewes may determine and approve. Treasurer to give additional bond.

Section 4. That before the provisions of this act shall go into effect the borrowing of a sum of money not exceeding Ten Thousand Dollars (\$10,000.00) as aforesaid, shall be submitted to and approved by a majority of the votes cast at a special election which the said Commissioners of Lewes are hereby authorized and directed to call within sixty days after the approval of this act by the Governor. At such special election every male citizen of the town who has paid his town taxes for the two years preceding such election shall be entitled to one vote, and each resident freeholder shall in addition be entitled to one vote for every dollar and fractional part of a dollar of town tax assessed upon his or her real estate; both male and female freeholders qualified as aforesaid, shall be entitled to vote. The said election shall be called by the Commissioners of Lewes and Borrowing subject to approval of voters. Who may vote. Election, how held.

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shall be held, certified to and recorded in the same manner as the election of the Mayor of said town. If the borrowing of the said sum of money shall not be approved by a majority of the said votes cast at said special election, the said Commissioners of Lewes are authorized and directed to call another special election not less than ninety days or more than four months thereafter to be held in like manner and for the same purpose. If at the second special election the borrowing of the said sum of money shall not be approved by a majority of the votes cast, then the said Commissioners of Lewes are authorized and directed to submit the question to the voters, qualified as aforesaid, at the annual election for Mayor in 1904.

Faith of town
pledged for
payment.

Section 5. That the faith of the said town of Lewes is hereby pledged for the payment of the bonds authorized to be issued under this act.

Approved March 31, A. D. 1903.

CHAPTER 432.

OF CITIES AND TOWNS.

AN ACT TO RE-INCORPORATE THE COMMISSIONERS OF REHOBOTH.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein):

Town of Rehoboth.

Limits and designation of.

A corporation.

Section 1. That all the lands lying and situated within the limits of what was formerly the Rehoboth Beach Association, situated in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, shall be known as the Town of Rehoboth and by that name shall hereafter be called and designated.

Section 2. That the Commissioners of Rehoboth now in office and their successors hereafter chosen under the provisions of this Act, shall be a body politic and corporate in fact and in

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law by name, style and title of The Commissioners of Rehoboth and by that name may sue and be sued, implead and be impleaded in all courts of law and equity in this State and elsewhere, and shall have power to make and use a common seal and alter and renew the same at pleasure, and for the purposes of this Act renew the same at pleasure, and for the purposes of this Act hereinafter set forth to take, hold, receive and enjoy any lands, tenements and hereditaments in fee simple or otherwise, and also goods, chattels, rights and credits, and to alien, grant, and dispose of the same in such manner as they may deem expedient and proper for the purposes hereinafter expressed; and also to appoint such officers and agents as shall be deemed necessary or convenient for the management of the affairs of said Town; to fix and determine the compensation of such officers and agents, and generally to do all such acts and things as are or shall be necessary to carry into effect the provisions of this Act, and to provide for the welfare of the town and the maintenance of a permanent seaside resort, furnish the proper conveniences and attractions requisite to the success of the same; provided that nothing in this Act shall be construed as conferring any banking power.

Section 3. That the Commissioners of Rehoboth shall consist of seven members, to be chosen as hereinafter provided. The Commissioners of Rehoboth and other officers now serving shall continue in office until the organization of the Commissioners elected at the first election held under the provisions of this Act.

Title, rights
and franchises.

Commissioners.
Number.

Section 4. That the first election held under the provisions of this Act shall be held on the second Saturday of July in the year 1903, at the usual voting place, or at such place as may be designated by the Commissioners, between the hours of twelve o'clock noon and four o'clock in the afternoon, at which said election there shall be elected three Commissioners for the term of two years or until their successors are duly elected; three Commissioners for the term of one year or until their successors are duly elected; one Commissioner for the term of one year who shall be a resident of the town of Rehoboth and who shall have the title Mayor of Rehoboth, with duties hereinafter prescribed and who shall be President of the Board of Commissioners; three auditors of accounts to serve for the term of one year, or until their successors are duly elected, whose duties are herein-

First election
under this Act.

Officers to be
elected.

Commissioners,
terms of.

One Commissioner to be
resident of town and shall
be Mayor thereof, and President
of Board of Commissioners.
Auditors.

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Assessor.	after prescribed ; an assessor, who shall be a resident freeholder of the town of Rehoboth, for the term of one year, with duties
Collector.	as hereinafter prescribed ; a collector, who shall be a resident freeholder of the said town of Rehoboth, for the term of one
Inspector and two Judges of election.	year, with duties as hereinafter prescribed ; an Inspector for the term of one year and two Judges of election for the term of one year, whose duties are hereinafter prescribed. The said election shall be held by an Inspector, who shall be chosen as is hereinafter provided for the selection of an Inspector, when the duly elected Inspector is absent or through disability unable to serve,
Terms of Commissioners.	and the two judges elected at the election in 1902. That the three Commissioners who shall be elected to succeed the three Commissioners elected in 1903 for the term of two years shall be elected for the term of two years ; that the three Commissioners who shall be elected to succeed the three Commissioners elected in 1903 for the term of one year, shall be elected for two years ; and thereafter their successors shall be elected for the term of two years. All other officers to be elected under the provisions of this Act shall be elected for the term of one year.
Resident Commissioner to be elected annually.	The Commissioner with the title of Mayor, and President of the Board of Commissioners shall be elected annually.
Annual election.	That thereafter on the second Saturday of July in each and every year, an Election shall be held in the said town of Rehoboth at the usual place of voting or at such place as may be designated by the Commissioners, between the hours of twelve o'clock noon and four o'clock in the afternoon, at which election the voters of the town qualified as hereinafter provided, shall elect successors to the Commissioners whose term of office shall then expire. There shall also be elected three auditors of accounts to serve for one year and until their successors are elected. The said voters shall in like manner elect a Commissioner or Commissioners for the unexpired term or terms of any Commissioner or Commissioners, whose office shall have been rendered vacant in any manner whatsoever. There shall also be elected from among the freeholders of Rehoboth one inspector and two judges to serve as such at the next annual election. Each Commissioner shall be at the time of his election and during his term of office a freeholder of the town and his ceasing to be a freeholder during his term shall ipso facto vacate his office. Four of said Commissioners shall be at the time of their election and during the terms of office residents of the State of Delaware,
Officers voted for.	
Commissioners to be freeholders.	
Other qualifications.	

OF CITIES AND TOWNS.

two of whom shall reside within the corporate limits of the town of Rehoboth, and the Commissioner with the title of Mayor and President of the Commissioners shall be a resident of the town Rehoboth. Removal from the State of any Commissioner required by the provisions of this Act to be a resident of the State shall ipso facto vacate said office. In the event of a vacancy in the office of a Commissioner during his term of office the Board of Commissioners or a majority of them for the time being shall appoint some freeholder of the town, with like qualifications, to fill such vacancy until the next annual election. It shall be the duty of said Commissioners at least ten days before the day of holding any such election to give public notice of the fact by not less than five notices posted in five or more of the most conspicuous places in said town. At all elections a plurality of votes shall elect and in the event of a tie the Inspector shall cast the deciding vote.

Vacancies.

Notice of elections.

Section 5. The said election shall be held by the Inspector and two judges who shall be elected from among the freeholders of the town of Rehoboth at the annual election preceding, but if one or both of said judges be not present, then and in that event the Inspector shall appoint one or two as may be necessary to complete the election board, from among the freeholders present who shall act as judges for such election. The persons so chosen and elected as inspector and Judges of election under the provisions of this Act shall be the judges of such election and shall decide all questions as to the legality of the votes offered and all matters in dispute. The said inspector shall receive and deposit in a box provided for that purpose the votes cast at such election. Immediately upon the close of the said election the said officers shall publicly ascertain the result of said election and certify thereto on the books of the Commissioners kept for that purpose and shall make and execute certificates of the result of such election, and deliver one of such certificates to the Commissioners and one to each of the Commissioners and officers elected. If for any reason, the inspector cannot serve, then and in that event, the legal voters there present shall proceed by viva voce vote and elect any freeholder of said Town of Rehoboth, who may be present, to be the inspector to hold the election. At any such election every person, male or female, above the age of twenty-one years, who shall have been a freeholder in the said town of Rehoboth for a period of three months immediately preceding

Manner of holding elections.

Manner of counting the vote.

Voters, qualifications of.

OF CITIES AND TOWNS.

said election, and against whose property there shall be no unpaid tax, whether a resident of the State of Delaware, or not, shall have one vote; and also every male person above the age of twenty-one years who shall have been a resident of the State of Delaware at least one year and a bona fide resident within the corporate limits of the town of Rehoboth for at least three months immediately preceding any such election, shall have one vote, if all town taxes levied against such person shall be paid at the time of any such election. All votes shall be offered in person. In the event of objection to the vote of any non-resident being received, the production of a duly executed deed or lease bearing date at least three months prior to the date of any such election, shall be conclusive evidence that the person offering to vote is a freeholder, unless evidence is produced to show that there is a subsequent deed or that the person so attempting to vote is not the person named in the deed or lease.

Evidence of
right to vote.

Section 6. The Commissioners of Rehoboth at the first meeting after each election and organization of the Board of Commissioners, or as soon thereafter as may be, shall choose a Secretary from their own number to serve until the first meeting and organization of the Board of Commissioners after the next succeeding election. They shall also choose, if found necessary, or expedient, an assistant secretary to serve as aforesaid, who may or may not be from among their own number. The compensation of the Secretary or assistant Secretary shall be determined by the Commissioners. The said Commissioners shall appoint a Treasurer for said Town of Rehoboth who shall be a substantial freeholder of Lewes and Rehoboth Hundred or a corporation doing business therein.

Shall choose
Secretary.

Shall appoint
Treasurer.

The said Treasurer shall give such bond as shall be determined and approved by the Commissioners. It shall be the duty of the President of the Board of Commissioners to preside at the meetings of the said Commissioners and to have a general supervision of the affairs of the said Town of Rehoboth, and the persons who may be employed by the said Commissioners. He shall receive all communications and complaints and present the same to the Board; he shall sign all deeds, leases and contracts made by the Board and all warrants on the Treasurer for the payment of any money; he shall be a member, ex officio, of all committees and shall perform such other duties as may be

Bond of
Treasurer.

President of
Board.

Duties of.

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prescribed by any ordinance or the by-laws adopted by said Commissioners:

The Secretary shall have charge and custody of the books, journals, records, papers, and other effects of the corporation and shall keep the same in a safe and secure place. He shall keep a full, complete and true record of all the transactions of the Board of Commissioners, and shall be ex officio, member of all committees, and shall keep a record of the transactions and proceedings of the same, with such other duties as may be prescribed by the by-laws. He shall prepare, in conjunction with the Treasurer, an annual report of the financial condition of the town, showing the receipts and expenditures, and submit the same to the Board of Commissioners, which said report shall be open to the inspection of any freeholder of the town.

Secretary.

Duties of.

Must make annual report of finances.

The Treasurer shall have the custody of all funds and resources of the town, and his duties generally shall be prescribed by the Commissioners.

Treasurer.

Duties of.

Section 7. The Board of Commissioners shall hold one regular meeting in each and every month, and at such other times as they may find necessary. All meetings shall be held in some public room in the town of Rehoboth and shall be open at all times to any of the legal voters of the town.

Meetings.

All of the books, records, and journals of the corporation shall be kept in the custody of the Secretary in some secure place in the Town of Rehoboth, and, in the presence of the President, Secretary, assistant Secretary, or any member of the Board of Commissioners, may be inspected by any freeholder desiring legitimate information at any such time as may be convenient. The Commissioners shall receive as compensation for their services the sum of one dollar for each regular or special meeting of the Board they are in attendance. No Commissioner shall receive exceeding twenty-five dollars in any one year for his services as Commissioner. The Commissioner elected as Secretary or Assistant Secretary shall receive compensation for his services as such in addition to compensation as a Commissioner.

Books, records and journals to be in custody of Secretary.

Open to any freeholder.

Compensation of Commissioners.

Section 8. That the unsold real estate within the limits of said Rehoboth shall continue to be vested in the Commissioners of said town, subject, however, to the liens thereon already existing, and the said Commissioners shall control and take charge of the same, and are hereby authorized and empowered to sell

Unsold real estate to be vested in Commissioners who may sell the same.

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and dispose of the said unsold real estate, in such manner and upon such terms as they may deem advisable and advantageous, and to execute a good and sufficient deed or deeds in fee simple to the purchaser or purchasers for the same. To plot and lay out streets or avenues in, upon and through any unsold unplotted real estate.

Power to establish ordinances for government of town.

Ordinance for the prevention of drunkenness
To quell riots.

To suppress gambling.

To regulate exhibitions and license same.

To establish boundaries, streets, &c.

To keep streets clean and free from obstructions.

To regulate corporate franchises.

To direct planting of trees.

Section 9. That the said Commissioners of Rehoboth for the good government and welfare of said town, shall have power to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes: To prevent vice, drunkenness and immorality; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses, and houses of ill fame; all instruments and devices for gaming; and to prohibit all gaming and fraudulent devices; to prohibit, restrain, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the town; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys, in said town and the beach or beach strand in or contiguous to said town, and prevent and remove all encroachment on said streets, avenues, highways, lanes, alleys, beach or beach strand. To regulate, clean and keep in repair, the streets, highways, lanes, and alleys, wharves and docks in said town, and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, cross walks, sewers, drains, aqueducts, water courses, wharves or docks, in any manner whatsoever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, or alley in said town, or in digging up any street, avenue, highway or alley for the purpose of laying down pipes, or any other purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks, and grounds of said town, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owner or occupants of the premises fronting thereon; to

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level, grade, flag or reflag, curb or recurb, gutter or regutter, To grade or pave streets and sidewalks.
 pave or repave, macadamize, gravel or shell the streets, highways and alleys of said town and the sidewalks and gutters thereof; or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said town, which shall be deemed dangerous or unwholesome or necessary to carry out any improvement authorized by this Act; to prescribe the manner in which said work shall be performed and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any stoop, step, platform or baywindow, cellar door, gate, area, descent into a cellar or basement sign or any post or erection or any projection or otherwise in, over or upon any street, sidewalk or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; to prevent and punish horse racing and immoderate driving or riding in any street, highway or strand, and to authorize the stopping and detention of any person who shall be guilty of immoderate driving or riding in any street, highway or strand; to prevent the driving of any drove or droves of horses, mules, cattle, sheep, or swine through any of the streets of the town, on the first day of the week, commonly called Sunday, and to regulate the same at other times; to regulate, protect, and improve the public grounds of said town; to provide lamps and to light the streets and public places of every description, in said town; to make and regulate wells, pumps, For lighting streets.
 aqueducts and cisterns in the public streets; to establish and To regulate wells and pumps.
 regulate one or more pounds and to restrain the running at large of horses, cattle, swine, goats and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping, impounding and sale; to regulate and prevent the running at large of dogs; to To prevent the running at large of dogs.
 authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; to locate, regulate and remove slaughter houses and hog pens, privies and waterclosets; to prescribe and regulate the places of vending or exposing for sale To remove slaughter houses and hog pens, &c.
 wood, hay, straw, and other articles from wagons or other vehicles; to regulate or prohibit any practice having a tendency to frighten animals, or to annoy persons passing in the streets, or

OF CITIES AND TOWNS.

To preserve
the public
health.

To control
manner of
building.

To prohibit
stables.

To regulate
chimneys and
furnaces for
prevention of
fire.

To regulate
fireworks.

To establish
sewer system.

on the sidewalks in said town; to restrain drunkards, vagrants, mendicants and street beggars; to prescribe the manner in which all contracts for performing work or furnishing materials for the town shall be made and executed; to abate or remove nuisances of all kinds, at the expense of those maintaining the same and to compel the owner or occupant of lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist, any matter or thing, which is or may be detrimental in the opinion of the Commissioners or local Board of Health to the health of the inhabitants of the town, to cleanse, remove or abate the same, under the direction of the Commissioners, as often as the said Commissioners or local Board of Health may deem necessary for the health of the inhabitants of the town; or in a summary manner to cause the same to be done at the expense and proper cost of such owner or occupant; and such owner or occupant is hereby expressly made liable for said costs and expenses, to be collected in such manner as the Commissioners may by ordinance direct, from such owner or occupant, in addition to any fine or penalty to which he or she may be liable for maintaining the said nuisance. To regulate and control the manner of building or removal of dwelling houses or other buildings and to provide for the granting of permits for the same. To establish a building line for buildings hereafter to be erected; provided that such building line shall not be established more than ten feet back from the front line of the lots: To prohibit, within certain limits, to be from time to time prescribed by ordinance, the building or erecting of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any town officer or constable or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition; and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of firearms in said town; to regulate or prohibit the use of candles and lights in barns, stables and other buildings. To establish, regulate and control a suitable sewer and drainage sys-

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tem for the said town. Provided, however, that the Commissioners shall not have the authority to bond the town for this or any other purpose, without an Act of the General Assembly and a majority vote of the voters of the town authorizing the same. To regulate or prohibit swimming or bathing in the ocean, or within waters within the limits of the town. They shall have the authority by ordinance, resolution or otherwise to enter into a contract with, or to grant franchises, concessions or right to any person, persons, firm, partnership or corporation who may apply for the use of any street, highway, avenue, lane, alley or beach strand for the purpose of constructing or operating a plant for the purpose of furnishing electric lights and power, gas or water to the said town or for the construction and operation of railways, steam, motor, electricity or other power, or for the construction and operation of sewers or other sanitary systems of drainage, or for the erection of wharves or piers. To make and establish such other ordinances, regulation, rules and by-laws, not contrary to the laws of this State or of the United States, as they, the said Commissioners may deem necessary to carry into effect the powers and duties imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of person and property, and for the preservation of the public health and property of said town and its inhabitants.

To establish by contract or otherwise electric light plant, water, gas or railway enterprises.

To establish other ordinances.

Section 10. The said Commissioners may fix and prescribe fines and penalties not over Twenty Dollars, for the violation of any authorized town ordinance and any person violating any such ordinance shall upon conviction of the offence before the Mayor or any Justice of the Peace within the County be fined the amount so prescribed, and upon failure to pay such fine, be committed to the town lockup or county Jail for not more than five days; all fines and penalties shall be paid to the Treasurer of the town.

To prescribe fines and penalties.

Section 11. That the Commissioners of Rehoboth are authorized upon the written petition of five freeholders of the said town of Rehoboth to notify and direct, in writing, the owner or owners of any house or land in said town, before, along, in front of or adjoining which they, the Commissioners, deem proper that a pavement should be made, to curb and lay a pavement, or either, of such material and of such length and width as the

Commissioners to direct the laying of pavement.

Notice to property owner, or tenant.

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Commissioners shall specify. Notice to one joint owner shall be notice to all, and in case the owner shall not reside in the town at the time, notice to the occupant or tenant shall be deemed to be a sufficient notice. If there be no occupant or tenant residing in the town at the time, such notice may be sent by mail to the owner, directed to him or her at the post office nearest his or her residence. If such owner shall neglect or refuse for the space of three months, after being directed as aforesaid, to lay such pavement or curb, or either, it shall and may be lawful for the said Commissioners to cause such pavement or curb, or either, to be made and to recover the cost of making the same by the distress and sale of any goods and Chattels, lands and tenements belonging to such owner within the limits of said town, and for this purpose the said Commissioners of Rehoboth shall issue a warrant under the seal of the corporation, directed to the Collector of the town commanding him that of the goods and chattels, lands and tenements of such owner he shall cause to be levied and made the amount of the said cost of pavement and curbing. In collecting the said amount the said collector shall have all the powers of a collector of county taxes and collector of school taxes.

Neglect to obey
notice.

To sell personal
property.

Cost of paving
a lien on the
premises.

The claim for the cost of paving and curbing, or either, shall be a lien on the premises in front of, along or adjoining which the work was done, and shall have priority over any lien, incumbrance, or conveyance suffered or made by such owner after the completion of such improvement. If any pavement or curb made prior to the passage of this Act shall be deemed by the said Commissioners to be insufficient, they, the said Commissioners, shall have power to direct in writing the owner or owners in front of, along or adjoining whose premises the same is laid, to make a sufficient pavement or curb or both, and upon neglect or refusal so to do, the said Commissioners shall cause the same to be done, and recover the cost of so doing in like manner as above prescribed in case of new pavements. If the premises in front of, along or adjoining which a pavement or curbing is directed to be laid, are held or owned by a tenant for life, the expenses incurred as aforesaid shall be paid by the owner or owners of the reversion in fee. Whenever a pavement or curb shall be laid by the owner or owners before or in front of, along, adjoining his house or land, pursuant to the direction of the Commissioners, the said Commissioners may if they deem it

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proper and are satisfied that the work has been done according to their specifications, allow to such owner or owners, out of the funds of the town, a sum not exceeding one third of the cost of said pavement and curbing.

Section 12. That the said Commissioners of Rehoboth be and they are hereby authorized and empowered, for the purpose of improvement and current expenses only, to levy and collect a tax, not exceeding in any one year, three thousand dollars on the assessed valuation of all the real estate within the limits of said corporation, except land of said town. All taxes shall be levied, assessed and raised on the real estate in just and equal proportions. Provided, however, that nothing herein contained shall be construed to repeal or modify the provisions of Section 3 of Chapter 767 of Volume 19, of the Laws of Delaware as amended by Chapter 110 of Volume 20 of said Laws, exempting certain buildings and improvements from taxation. There shall also be levied and collected, in the same manner as taxes against real estate a per capita tax upon the male citizens of the town above the age of twenty-one years, which said per capita tax shall not be less in any one year than the sum of one dollar for each male citizen of the town.

Maximum tax
for municipal
purposes, and
levy thereof.

Per capita tax.

Section 13. The assessed value of the real estate as ascertained by the present Board of Commissioners shall and is hereby expressly declared to be the assessment for the year 1903.

Thereafter the Assessor who shall be elected as provided by this Act, shall, between the date of his election, and the first Monday of June succeeding his said election, make a just, true and impartial valuation or assessment of all the real estate within said town; also an assessment of all the male citizens of said town above the age of twenty-one years as well those owning as those not owning real estate within the limits of said town; the said Assessor in making the assessment of the male citizens resident of the said town, above the age of twenty-one years, shall assess every male citizen resident of the said town above the age of twenty-one years of age, not exceeding one dollar per capita, the amount to be assessed to be determined by the Commissioners and certified to the assessor; the said Assessor, after making said assessment, shall, on the first Monday of June aforesaid, deliver to the said Commissioners a list containing the names of all the persons assessed and the amount of the assessment against

General assessment.

Time of.

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each, distinguishing the real and personal assessment of each. The said list shall be so arranged that the land, the improvements thereon and the per capita assessments shall appear in separate columns or spaces, and the assessor in making the assessment shall make his valuation accordingly. The said Commissioners shall assess the real estate and person of the Assessor. The said Assessor before entering upon his duties shall be sworn or affirmed by some person authorized by the laws of this State to administer oaths, diligently, faithfully and impartially to perform the duties herein prescribed, to the best of his knowledge, ability and judgment. His compensation shall be fixed and determined by the said Commissioners.

Section 14. The Commissioners now in office shall have the assessment list or duplicate thereof, prepared and revised, according to the method and manner of the present Commissioners and have the same ready to place in the hands of the Commissioners to be elected at the first election held under the provisions of this Act, and within three days after said election.

Assessment to
be hung up in
public place.

Thereafter the Board of Commissioners, immediately upon receiving the duplicate from the Assessor shall cause a full and complete transcript of the same containing the amount assessed to each taxable, to be hung up in a public place in the said town and there to remain for at least ten days for public inspection. There shall be a notice appended thereto, and also additional notices posted in five or more public places in said town giving notice that upon a certain day mentioned therein, and not earlier than ten days after the date of posting said list and notices, between the hours of one o'clock P. M. and five o'clock P. M. that the Board of Commissioners will hold a Court of Appeals, when they shall hear appeals from said assessment. The decision of the said Commissioners, sitting as a Court of Appeals, shall be final and conclusive, and said Commissioners shall revise and complete said assessment at this sitting. No Commissioners shall sit upon his own appeal but the same shall be heard and determined by the other Commissioners.

Appeals.

The said Commissioners at the first regular meeting in July, having the revised and completed assessment, after having ascertained and determined, according to their best judgment and knowledge, the amount necessary to be raised in the said town for the year, for the purposes mentioned in this Act, shall levy a

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tax upon the whole valuation and assessment that will raise this amount, which said amount shall not exceed the sum of three thousand dollars in any one year. Amount of tax.

The said Commissioners shall at once make or cause to be made a full, true and correct list of the assessment and the amount of tax against each taxable thereon and place the same or a duplicate thereof in the hands of the collector, who shall immediately proceed to collect the same, as hereinafter provided.

Section 15. The collector as soon as the Commissioners aforesaid shall place in his hands the duplicate tax list, shall at once proceed to collect the taxes on said list or duplicate, and in the collection of the same shall have the same powers as are given by law to the Collectors of county and school taxes. The said Collector shall by public notice designate some place in Rehoboth where he will sit at least one day in each week during the months of July and August in each and every year for the purpose of receiving taxes. In the collection of said taxes the said Collector shall deduct five per centum from the amount of the tax assessed against the person or property of any person who pays said tax on or before the first day of September next succeeding the delivery of the tax duplicate to the collector; likewise he shall deduct four per centum from the amount of the tax assessed against the person or property of any person who pays said tax on or before the first day of October, next succeeding the delivery of the tax duplicate to the Collector; on all taxes paid after the first day of October and before the first day of January next succeeding the delivery of the tax duplicate to the collector there shall be no deduction or abatement; on all taxes paid after the first day of January next succeeding the delivery of the tax duplicate to the collector there shall be added an amount equal to one per centum per month for each and every month such taxes shall remain unpaid, and shall be collected in the same manner as the original amount of the tax. Collector to collect tax.
Powers of collectors.
Notice of place and time to receive taxes.
Discount of 5 per cent. when paid on or before first day of September, and 4 per cent. paid on or before first day of October.
No discount after October and until first day of January.
After first day of January one per cent. per month to be added.

The said collector, before entering into and upon the duties of his office, shall give bond with sufficient surety to the said Commissioners, to be by them approved, in a sum at least double the amount of the total amount of the list or duplicate placed in his hands, conditioned for the faithful discharge of the duties imposed in him and for the collection of all taxes and other moneys, committed to him, and for the payment by him of the amount of all such taxes and moneys excepting only so far as Collector to give bond.

OF CITIES AND TOWNS.

allowances shall be made to him by the said Commissioners for delinquencies, commissions or otherwise, to the officer or officers authorized and appointed by the said Commissioners for the purpose at such times as the Commissioners shall appoint.

Compensation
of collector.

The said Collector shall receive such reasonable compensation for his services as shall be determined by said Commissioners.

Auditors.
Duty of.

Section 16. It shall be the duty of the auditors of said town to meet the Commissioners and Treasurer on the second Saturday in June annually, and then and there to audit and examine the accounts, vouchers and books of the said Commissioners, and treasurer and collector, and record the result of said examinations in a book to be furnished by the said Commissioners for that purpose, and shall make and exhibit a report of the financial condition and status of said town to be hung up in some public place in said town within ten days after said meeting.

Constables.

Section 17. The said Commissioners may appoint such number of local constables as shall be deemed necessary, who shall constitute the town police.

Commissioners
may keep a
jail.

And it shall and may be lawful for the said Commissioners to keep and maintain a suitable place as a lockup or jail for the use of said town of Rehoboth, and the Mayor, or Justice of the Peace acting under the provisions of this Act, or carrying into effect any judgment or sentence pronounced under its authority or by virtue of any ordinance or regulation adopted by virtue of the power conferred by this Act may commit to the lockup or jail for any time not exceeding five days.

Commissioners
to have
authority to
spend money
for public im-
provement.

Section 18. That the said Commissioners or a majority of them shall have the authority to use the money in the treasury of said town, for the general improvement, benefit and ornament of said town, as they or a majority of them, may deem advisable and proper, but the said treasurer shall pay out no money except upon the written order of the Commissioners or a majority of them. If any person or persons shall wilfully cut and tear down any wire or wire fence belonging to the said town of Rehoboth, or shall maliciously injure or destroy any of the property of the said town, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten not more than One hundred dollars.

Malicious in-
jury to prop-
erty.

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Section 19. That the person elected Mayor as aforesaid of said town shall have within its limits all the powers, authority, jurisdiction and cognizance of a Justice of the Peace of and over all breaches of the peace and other offences within said town; to arrest and to hold to bail, or fine and imprison all offenders; and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State or by any ordinance of the Board of Commissioners, regularly passed, published and established for the government of the said town; and of and over all neglects, omissions and defaults of the town constables or bailiff, assessor, collector or Treasurer or any other person or officer whose duty it may be to collect, receive, pay over, or account for any moneys belonging to said town or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding Twenty dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this Act or the rules and regulations of said town by the officers authorized to adopt the same under this act.

The fees of said Mayor shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the Mayor to keep a book of record or docket, to be called the Mayor's Docket of Rehoboth, to be provided by the Commissioners aforesaid, in which all the official acts of the Mayor shall be entered and upon the expiration of his term the said Mayor shall deliver to his successor, within three days, all the books, papers, records and dockets pertaining to said office.

Section 20. That the Levy Court of Sussex County be and they are hereby directed in making the appropriation of the sum of the road tax to be paid to the overseers of roads annually, to make an order for the payment to the Commissioners of Rehoboth of the sum of three hundred dollars to be by them expended in repairing and maintaining in proper order the roads, streets, avenues, walks, lanes, alleys, bridges, and squares within the limits of said town, and the said Commissioners shall have the sole supervision of said roads, streets, avenues, walks, lanes, alleys, bridges and squares, provided that the said Levy Court shall not make the appropriation of said sum until the said Commissioners of Rehoboth shall have certified that an equal sum has been expended during the preceding year for the purposes aforesaid.

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Exemption
from taxation.

Section 21. The Commissioners of Rehoboth may by an ordinance enacted at any regular monthly meeting thereof, or by a special resolution adopted release, relieve and exonerate for a period not exceeding ten years, the building or buildings, fixtures, machinery, implements, tools and other necessary property of any person, or persons, firm, partnership or corporation, used in the erection, maintenance or operation of any hotel, apartment house or public building from any assessment for tax for town purposes or other tax over which the said Commissioners have jurisdiction or control, and from the payment of the same.

No property shall be exempt from taxation aforesaid until such ordinance is enacted, or special resolution adopted nor shall the said Commissioners enact any such ordinance or resolution until it shall be clearly shown to them that the first and original cost of such building shall have exceeded Ten Thousand Dollars.

Not to repeal
former acts.

Section 22. This act shall not be construed to repeal any former Acts in relation to the town or Commissioners of Rehoboth, unless the same are manifestly inconsistent with this Act, and all existing by-laws, ordinances, rules, regulations and resolutions of the Commissioners of Rehoboth not inconsistent with the provisions of this Act shall remain in force until repealed or modified by the Commissioners of Rehoboth.

Approved March 17, A. D. 1903.

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CHAPTER 433.

OF CITIES AND TOWNS.

AN ACT AUTHORIZING THE TOWN COUNCIL OF THE TOWN OF SEAFORD TO ESTABLISH AND MAINTAIN AN ELECTRIC LIGHT PLANT IN SAID TOWN TO SUPPLY ELECTRIC LIGHT AND POWER FOR BOTH PUBLIC AND PRIVATE USE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That the Town Council of the Town of Seaford be and they are hereby authorized and empowered to do all things necessary for locating, erecting, constructing, equipping and operating an Electric Light Plant to light the Town of Seaford and to furnish light and power for public and private use to the citizens and to provide for the care and maintenance of the same, and to purchase engines, boilers, dynamos, poles and wires and all such instruments and machines as may be necessary for the purpose of establishing an Electric Light Plant to light the streets of the Town of Seaford and to furnish light and power for public and private use to the citizens thereof, and to effect this object shall have power to lay pipes and erect poles and to erect or lay wires above, under, on, in or along any of the roads, streets, lanes or alleys of the said Town of Seaford or adjacent thereto.

Town Council to erect electric light plant.
Powers of council.

Section 2. And whenever it may be necessary for the Town Council of said Town to enter upon, use, take or excavate any lands of any person or persons whomsoever for constructing, locating, equipping and operating the Electric Light Plant provided for by this Act, or for the purpose of carrying into effect the objects of this Act, it shall be lawful for said Town Council to contract and agree with the owner or owners of any such land for the purchase of any land or lands that may be necessary for the purpose of carrying into effect the objects of this Act. Should the owner or owners of any such land or any of them refuse to permit

Additional powers.

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To assess
damages.

Notice of to
non-resident.

Appeal to Judge
of Superior
Court.

Commission of
five freeholders.

the Town Council of the town of Seaford to enter upon and occupy said land or lands for the purpose aforesaid, and if said owner or owners be unwilling to contract and agree as aforesaid with the said Town Council upon the compensation to be made for any real or supposed injury that may be done to such lands by such entry and occupation, then the said Town Council of the Town of Seaford shall have power and authority to go upon said land or lands, and they or a majority of them, after viewing the same shall assess the damages of such owner or owners fairly and impartially under all the circumstances, and certify their finding and award in writing to the said owner or owners of said land or lands, and if such owner or owners be not resident within the said Town to certify their finding and award to the holder or tenant of said real estate, but if there be no holder or tenant resident in said Town, the said notice shall be affixed to the most conspicuous part of the premises, which shall be as effectual as personal service of the same. If any owner be dissatisfied with the amount of the compensation or damages allowed by the said Town Council of the Town of Seaford as aforesaid, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of compensation or damages by serving written notices to that effect on the President or other presiding officer of the said Town Council of the Town of Seaford. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for the appeal, and upon ten days notice to the said President or presiding officer of the said Town Council of the Town of Seaford make written application to the Associate Judge of the Superior Court of this State, resident in Sussex County, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said Associate Judge shall issue a commission under his hand, directed to five freeholders of the said County, three of whom shall be residents of the said Town of Seaford, and two of whom shall be non-residents of the said Town, commanding them to assess the damages which the owner or owners of the said land or lands intended to be taken, occupied or used for the purposes of this Act as aforesaid (and who shall have notified said commissioners of their intention to appeal) may sustain or incur by reason of such use or occupancy and to make return of their proceedings to the said Associate Judge at a time therein appointed. The freeholders named in such commission being first sworn or affirmed, as in said commission shall be

OF CITIES AND TOWNS.

directed, shall view the premises, and they or a majority of them shall assess the damages as aforesaid, and shall make return in writing of their proceedings in the premises to the Associate Judge, who shall deliver said return to the said Town Council of the Town of Seaford, which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the commission.

To assess
damages.

The amount of damages being so ascertained, the said Town Council of the Town of Seaford may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from the said Town during the said period of one month, then the same may be deposited to his or her credit in the First National Bank, or any other responsible bank in Sussex County, within said time and thereupon said property, or and may be taken or occupied for the uses aforesaid. In the ascertainment of damages by the freeholders aforesaid, if the damages shall be increased the cost of the appeal shall be paid by the treasurer of the said Town, but if said damages shall not be increased the cost of the appeal shall be paid by the appellant. The fees of the freeholders shall be two dollars per day each day, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders aforesaid, the said Town Council of the Town of Seaford shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements, or upon the payment of costs only may abandon their intention of taking and occupying said land or lands for the purpose aforesaid.

Tender of pay-
ment of award.

Costs of appeal.

Fees of free-
holders.

Section 3. That the Town Council of the Town of Seaford are hereby authorized and empowered to adopt all needful and proper ordinances, rules and regulations in regard to the use for public or private purposes by any of the citizens of the Town of Seaford of the light generated or furnished by said Electric Light Plant, and touching the management, operation, regulation and protection of said Electric Light Plant, and may enforce obedience to all such ordinances, rules and regulations by proper fines and penalties.

Additional
powers of
Town Council.

Section 4. That if any person or persons shall willfully or through negligence injure or do any damage to the machinery, apparatus, appliances, poles, wires or lamps of the Electric Light Plant authorized by this Act, he or they shall for every such

Damage to
plant by
negligence or
willfulness an
offence.

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Fine. offence forfeit and pay to the said Town of Seaford a fine not exceeding one hundred dollars, to be recovered by the Town of Seaford before the Alderman of said Town or any Justice of the Peace residing in Sussex County.

To transfer necessary fund from general fund of town to fund of electric light plant to meet deficiency in expense thereof. Section 5. That the Town Council of the Town of Seaford be and they are hereby authorized and empowered to appropriate and transfer annually from the general fund of said Town to the common fund of the Electric Light Plant any sum that they may deem necessary to meet the expenses of lighting the streets of said Town by said Electric Light Plant.

To use machinery of water works for electric light plant. Section 6. That the Town Council of said Town are hereby authorized and empowered to use the engines, boilers, or any of the machinery of the water works of the said Town for the purpose of furnishing power to the said Electric Light Plant, or for any other purpose the said Town Council may deem proper for operating the same.

To issue bonds. Section 7. That the Council of the Town of Seaford be, and they are hereby vested with full power and authority to issue for the purpose of carrying into effect the provisions of this Act, bonds of the Town of Seaford to an amount not exceeding in the aggregate the sum of Ten Thousand Dollars and of the denominations One Thousand and Five Hundred Dollars respectively, and in such proportions as to each or any of these denominations as shall have been determined by the said Council of the Town of Seaford, which said bonds shall be dated on the first day of July of the year in which they may be issued and numbered consecutively, commencing with number one and shall bear interest from and after the date at a rate of interest not exceeding four per centum per annum, payable semi-annually on the first days of January and July in each year while they remain unpaid at the First National Bank of Seaford, or any other responsible bank in Sussex County at the option of the said Council of the Town of Seaford on presentation of the coupons representing said semi-annual interest each semi-annual installment of interest being represented by coupons attached to said bonds, and said bonds shall be payable at the First National Bank of Seaford, or any other responsible bank in Sussex County, as the said Council of the Town of Seaford shall hereinafter determine on the first of July A. D. 1933, but may be redeemed at the option of the said Council of the Town of Seaford at any

Denomination of.

Date of.

Interest.

Payable.

Redemption of bonds.

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time after the first day of July A. D. 1913, provided however that if the said Council of the Town of Seaford elect to redeem any of the said bonds according to these terms such redemption shall be effected on either the first day of July or January and in pursuance of notice signed by the President of the said Council of the Town of Seaford and the treasurer of the said Town published for the space of thirty days or in one issue each week for four successive weeks in one newspaper published in the City of Wilmington, one published in the town of Dover and one published in the town of Seaford. Such notice shall indicate the bonds called and in making the calls the said Council of the Town of Seaford shall call the bonds according to their number beginning with the lowest number, and interest on all bonds so called shall cease from the date named for their redemption.

Section 8. That the said Council of the Town of Seaford shall direct and effect the preparation, printing and sale of the bonds authorized by this Act at such time or times and on such terms as they may deem expedient, but that all the money the proceeds of such sale shall be applied to carrying into effect the provisions of this Act. The form of the said bonds shall be prescribed by the Council of the Town of Seaford and shall be signed by the President of the said Council and the treasurer of said Town and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal taxation. As the said coupons and said bonds are paid the same shall be cancelled in such manner as the said Council shall direct.

Town Council to effect preparation of bonds.
How signed.

Section 9. That the faith of the Town of Seaford is hereby pledged for the payment of the bonds, authorized to be issued under this Act.

Faith of town pledged for payment.

Section 10. That the Treasurer of the said Town of Seaford shall, to secure the said Town of Seaford against loss on account of the said money so derived from said bonds, enter into a special bond with surety or sureties in such an amount as shall be fixed by the Council of said Town. The said bond shall be in such form as the Council of the said Town of Seaford may prescribe and shall with the surety or sureties require the approval of said Council.

Treasurer to enter into special bond.

The said Treasurer for his services in receiving, keeping and paying out said money shall be entitled to a commission of one half of one per cent on the money actually paid out by him.

Compensation of Treasurer.

Approved February 26, A. D. 1903.

OF CITIES AND TOWNS.

CHAPTER 434.

OF CITIES AND TOWNS.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL," CHAPTER 186, VOLUME 22, LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

All old streets
to remain under
control of town.

Section 1. That Section 7, Chapter 186, Volume 22, Laws of Delaware, be and the same is hereby amended by adding after the word "aforesaid" in line thirteen in said Section the following words, to wit:

"Provided that all streets, lanes and alleys in said town which have been opened and used by public for the period of twenty years shall be and remain a part of the system of streets, lanes and alleys in said town, subject to like supervision and use as any other street, lane or alley in said town."

Approved March 24, A. D. 1903.

OF CITIES AND TOWNS.

CHAPTER 435.

OF CITIES AND TOWNS.

AN ACT TO ENABLE THE TOWN OF LAUREL TO BORROW MONEY AND ISSUE BONDS FOR THE PURPOSE OF REFUNDING A DEBT DUE THE SUSSEX TRUST, TITLE AND SAFE DEPOSIT COMPANY OF LAUREL, DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

Section 1. That the Town Commissioners of the Town of Laurel be and are hereby authorized and empowered to borrow on the credit of said town on the first day of May, A. D. 1903, or as soon thereafter as possible, the sum of four thousand dollars (\$4,000.) which shall be applied, appropriated and expended for the purpose of refunding the indebtedness due the Sussex Trust, Title and Safe Deposit Company of Laurel, Delaware, which said amount was borrowed in the year A. D. 1901, for the purpose of extending the Sewer System in the said town of Laurel.

Town Commissioners of Laurel to borrow \$4,000.
How applied.

Section 2. That the said Town Commissioners of Laurel, for the purpose of carrying into effect the provisions of this Act, shall have full power and authority, and are hereby expressly directed to issue the bonds of the town of Laurel, of such denominations as they shall deem best, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually on the first days of January and July respectively, in each year at the Sussex Trust, Title and Safe Deposit Company at Laurel. The principal of such bonds shall be made payable in thirty years from the date of the issue thereof, the said Town Commissioners reserving to themselves power and authority of redeeming said bonds or any part of them, at the expiration of twenty years from the date of the issue of the same. Provided, however, that if the said Town Commissioners elect to redeem any

Town Commissioners to issue bonds.

Rate of interest.

When and where payable.

Principal, when payable.

Redemption.

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of said bonds at the expiration of twenty years as aforesaid, such election shall be effected on the first days of July and January, and in pursuance to a notice to that effect published by the said Town Commissioners of Laurel, for the space of thirty days in two newspapers, one published in the City of Wilmington and one in the said Town of Laurel. For the purpose of said notice in said newspaper in the City of Wilmington, publications in four issues, being once each week, shall be sufficient. In calling said bonds for redemption they shall be called consecutively commencing with the lowest number. The interest on all bonds so called shall cease from the date of the payment thereof, and said bonds when paid shall be cancelled.

Town Commissioners to prepare and print bonds.

Signed.

Sealed.

Cancellation of.

Section 3. That the said Town Commissioners of Laurel shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the President of the said Town Commissioners, and countersigned by the Secretary, and shall be sealed with the corporate seal of said Town and shall be exempt from all State, County and Municipal taxation; as the said bonds and coupons thereon are paid the same shall be cancelled in such manner as the said Town Commissioners shall direct.

Section 4. This Act shall be deemed and taken to be a Public Act.

Approved March 24, A. D. 1903.

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CHAPTER 436.

OF CITIES AND TOWNS.

AN ACT TO ENABLE THE TOWN OF LAUREL TO IMPROVE ITS
WATER SYSTEM BY BORROWING MONEY AND ISSUING
BONDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

Section 1. That the Town Commisisoners of Laurel be and they are hereby authorized and empowered to borrow on the credit of said Town on the first day of May A. D. 1903, or as soon thereafter as possible the sum of Four thousand dollars (\$4000.) which shall be applied, appropriated and expended for the purpose of purchasing all necessary Engines, Pumps, Materials and work for erecting an additional Pumping Station, extending the Mains and otherwise improving the Water System of said Town.

Town Commissioners of Laurel to borrow money.
Amount.
Purpose.

Section 2. That the said Town Commissioners of Laurel for the purpose of carryng into effect the provisions of this Act, shall have full power and authority, and are hereby expressly directed to issue the bonds of the town of Laurel, of such denominations as they shall deem best, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually on the first days of January and July respectively, in each year at the Sussex Trust, Title and Safe Deposit Company of Laurel. The principal of such bonds shall be made payable in thirty years from the date of the issue thereof, the said Town Commissioners reserving to themselves power and authority of redeeming said bonds or any part of them, at the expiration of twenty years from the date of the issue of the same. Provided, however, that if the said Town Commissioners elect to redeem said bonds at the expiration of twenty years as aforesaid, such election shall be effected on the first days of July and January, and in pursu-

May issue bonds.
Rate of interest.
When and where payable.
Principal, when payable.
Redemption of bonds.

OF CITIES AND TOWNS.

How effected,

ance of a notice to that effect published by said Town Commissioners of Laurel for the space of thirty days in two newspapers, one published in the City of Wilmington and one in the said town of Laurel. For the purpose of said notice in said newspaper of the City of Wilmington, publication in four issues, being once each week, shall be sufficient. In calling said bonds for redemption they shall be called consecutively, commencing with the lowest numbers; the interest on all bonds so called shall cease from the date of the payment thereof, and said bonds when paid shall be cancelled.

Preparation
and form of
bonds.

Section 3. That the said Town Commissioners of Laurel shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bond, which shall be signed by the President of the said Town Commissioners and countersigned by the Secretary, and shall be sealed with the corporate seal of said Town and shall be exempt from all State, County and Municipal Taxation; as the said bonds and coupons thereon are paid the same shall be cancelled in such manner as the Town Commissioners shall direct.

Section 4. This Act shall be deemed and taken to be a public Act.

Approved March 24, A. D. 1903.

OF CITIES AND TOWNS.

CHAPTER 437.

OF CITIES AND TOWNS.

AN ACT TO AMEND CHAPTER 285, VOLUME 21, LAWS OF DELAWARE, BEING ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DAGSBORO, APPROVED FEBRUARY 9TH, A. D. 1899."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House thereof):

Section 1. That Section 3 of said Chapter 285, Volume 21, ^{Part of Section 3, Chapter 285, Volume 21, repealed, relating to qualification of voters.} Laws of Delaware being entitled "An Act to Incorporate the Town of Dagsboro, approved February 9th, 1899", be and the same is hereby amended by striking out all of said Section between the word "vote" immediately following the word "one" in the nineteenth line of said Section 3, and the word "at" in the twenty-second line thereof.

Approved March 31, A. D. 1903.

OF CITIES AND TOWNS..

CHAPTER 438.

OF CITIES AND TOWNS.

AN ACT TO INCORPORATE THE TOWN OF FRANKFORD.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring) as follows :

Limits of corporation.

Section 1. That the limits of the bounds of Frankford shall begin at a tenant house of John T. Long now occupied by Alfred Long; thence running in a southeasterly direction to the railroad, taking in the house of Eber Long and Robert Davis; thence in a northeasterly direction to the south corner of George Dingle's lot, crossing the main road at that place; thence north seventy-five degrees east across the lands of Mrs. A. Hickman to the intersection of the line of Captain D. C. Betts' lands; thence northeasterly to the south or southeast corner of Thomas L. Barker's lands; thence in a northwesterly direction to the intersection of the public road between the lands of George Gray and Benjamin Gray; thence in a northwesterly direction to tenant house of Joshua J. Derickson; thence in a westerly direction to two small gum trees between the lands of Joseph Carey and Sallie Cannon, and thence home to the place of beginning. The Council of the Town of Frankford, to be chosen as hereinafter provided, shall hereafter, with the assistance of a sworn surveyor, cause a resurvey and plot to be made of the said town as hereinbefore located, with such changes as they may deem proper, together with the streets, alleys, lanes and sidewalks; and the said plot, when so made and approved by the said Council, shall be recorded in the Recorder's office in and for Sussex County, and shall be evidence in all courts of law and equity in this State.

Resurvey and plot of town and record thereof.

Town Council.

Members of.

Incorporators.

Section 2. There shall be a Council of the Town of Frankford to be composed of five members, one of whom shall by said council be elected President of said Council for the term of one year, and until his successor shall be elected. That Everett Hickman, Elijah Carey, John E. Harmon, George C. Bunting

OF CITIES AND TOWNS.

and Daniel G. Long, shall by this act be appointed to serve as commissioners of said town from and after the passage hereof until such time as commissioners may be duly elected; and that an election shall be held in Frankford, Sussex County, on the Second Saturday in June next after the passage of this act, at the free school house in said town for five councilmen, two of whom shall be elected for one year, two for two years, and one for three years, and annually thereafter an election shall be held for the election of councilmen to succeed those whose term of office will expire. The Councilmen shall be elected for their respective terms and until their successors shall be duly elected, and the president of the council shall be elected from the board of council for the term of one year and until his successor shall be duly elected, but any Councilman or president may be re-elected. The Councilmen shall be resident freeholders of the Town of Frankford at the time of their election, but any married man, resident of said town, whose wife is a freeholder of said town, may be elected a member of said council or the president of said council, although he may not be the owner, in his own right, of any real estate within said town. The election shall be opened at one o'clock P. M., and close at four o'clock P. M. At such election every male citizen of said town, who shall have resided in said town at least one year prior to such election, and who is a registered voter of Sussex County, shall have the right to vote. At such election, each person entitled to vote shall be entitled to one vote for each dollar or fractional part thereof, which shall be paid by them or their wives as town tax on the property so assessed for the year next preceding such election, and the said voter shall write his name and the number of votes he is entitled to across the back of his ticket; and if any person not having a right to vote at any election held under this act shall vote at such election, or if any inspector or assistant inspector shall knowingly take the vote of a person not having a right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election as herein provided, any such person, inspector, or assistant inspector, shall forfeit and pay fifty dollars to be recovered upon proof before any Justice of the Peace in Sussex county, and to be paid to the treasurer of the town for the benefit of said town. Immediately after the election shall be closed the vote shall be counted, and the person or persons, as the case may be, resident in said town having the highest number of votes shall be elected. The first election on the second Saturday in

Term of office.

Elections.

Term of office
of Councilmen.Qualification of
Councilmen.

Elections.

Voters.

Qualification of
voters.Inspector of
election.Failure to per-
form duty.

Penalty.

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Justice of Peace to hold first election. June next, shall be held by the Justice of the Peace residing in Frankford or adjacent thereto, who shall, in all respects, conduct said election, and make and deliver certificates to councilmen elected, and swear in the same, as fully as the alderman and his assistants who are hereinafter empowered to hold all subsequent annual elections, and all annual elections thereafter shall be held by the alderman and any two of the members of the council who hold over, to be chosen by the council at a previous meeting to be held during the month of April. The alderman shall receive the ballots and deposit them in a box to be prepared for that purpose, and the assisting councilmen shall each keep a list of the voters voting. When the election shall be closed the alderman or one of his assistants, shall draw said ballots out of the box, open and read out the same and pass the same over to one of the said assistants for his inspection, while the third election officer shall tally the votes. In case of a tie of persons voted for for councilmen, the alderman shall give the casting vote. After the result shall have been ascertained, the election officers shall make out certificates and deliver one to each councilman-elect, with a notice of the time and place of the next meeting of the town council. Before entering upon the duties of their respective offices the councilmen-elect shall be sworn in at said meeting, or any subsequent meeting, by the alderman or one of the councilmen holding over. If at any election the alderman, or any of the persons whose duty it is to hold said election, should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the alderman or absent persons. A minute of each election, containing the names of the councilmen-elect shall be entered immediately after said election in a book provided for that purpose, and subscribed by the person holding said election. Said book shall be preserved by the town council, and shall be evidence. If any vacancy shall occur in the said council by the death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining councilmen shall have power to fill such vacancy or vacancies for the residue of the whole term for which the person or persons whose vacancy or vacancies is or are to be supplied was or were elected.

Alderman to hold subsequent elections. Method of receiving and counting ballots.

In case of tie Alderman to give casting vote.

Certificates of election.

Officers to be sworn.

Minutes of elections.

Vacancy in council.

How filled.

Section 3. The town Council, at a meeting after each annual election as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect, by ballot, some suitable person,

OF CITIES AND TOWNS.

resident in said town, to be alderman of the Town of Frankford, Alderman.
 who may or may not be a justice of the peace, resident in said Election of.
 town, to serve as such for the term of one year, or until his suc-
 cessor shall be duly elected; subject, however, to be removed
 from office at any time by a vote of a majority of all the mem-
 bers comprising the town council. Before entering upon the To be sworn.
 duties of his office, he shall be sworn or affirmed by the president
 of the town council, or by any one of the councilmen, to perform
 the duties of his office honestly, faithfully, and diligently. It
 shall be his duty to execute all laws enacted for the government Duty of.
 of said town, and to carry into effect all the orders and directions
 of the town council made in pursuance of any law of this State,
 or of any ordinance that the said town council may legally make
 and establish. He shall have all the powers of the justice of the Powers of.
 peace within the town, and shall have jurisdiction and cognizance
 of all breaches of the peace and other offences in said town, so
 far as to arrest and hold to bail or fine and imprison offenders,
 and also of all fines, forfeitures and penalties which may be pre-
 scribed by any law of this State, or by any ordinance of the town
 council regularly passed and established for the government of
 the town, and also all neglects, omissions or defaults of any town
 constable, collector, assessor, treasurer, town clerk or any other
 officer or person whose duty it may be to collect, receive, pay
 over or account for any money belonging to said town or to exe-
 cute or obey any law or ordinance thereof. Provided that he
 shall not impose any fine exceeding fifty dollars or have jurisdic-
 tion in civil matters exceeding one hundred dollars, exclusive of
 costs. His fees for any services under this section shall be the
 same as those of a justice of the peace for a like service, and for
 any service or duty for which no fee may be provided by law,
 the fee may be established by ordinance of the town council. If
 any vacancy shall occur in the office of alderman of the town of Vacancy, how
 Frankford by death, resignation, removal from office or other- filled.
 wise, such vacancy may be supplied by the town council, at a
 meeting thereof, for the residue of the term. If any alderman To deliver all
 shall be removed from his office by the town council, as herein- books and
 before provided, he shall deliver to his successor in office, within papers to
 two days after the election of his successor, all books and papers successor.
 belonging to his office, and shall pay over to the treasurer of the
 town all moneys in his hands belonging to the town within five
 days after his removal. Upon his neglect or failure to deliver to Neglect of duty
 his successor in office, within the time aforesaid, all the books a misdemeanor.

OF CITIES AND TOWNS.

and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town; he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than twenty nor more than one hundred dollars.

Penalty.

Alderman to report to council all fines and pay same to treasurer.

Failure of, a misdemeanor.

Penalty.

Section 4. The alderman shall, at every stated meeting of the town council, report to the council all fines and penalties imposed by him during the preceding quarter; and pay to the treasurer of the town of Frankford all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

President of Council.
Duties of.

Section 5. The duties of the President of Council shall be to preside at the meetings of council, have a general supervision of all the streets, lanes and alleys in said town, and of the persons who may be employed by the town council, receive complaints of nuisances, and other complaints of citizens of violation of laws and ordinances, and present the same to the council at their first meeting for their action, and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Frankford, which by Section 1 of Chapter 51 of the Revised Code a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council.

Councilmen and President a corporation.

Rights, powers and duties.

Section 6. The Councilmen and the President of Council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded, in courts of law and equity in this State, by the corporate name of "The Town of Frankford;" and shall have a corporate seal, which they may alter, change, or renew at their pleasure; and may purchase, take, hold and enjoy lands, tenements and hereditaments in fee

OF CITIES AND TOWNS.

simple, or otherwise, and also goods and chattels, rights and credits, and may alien, grant, devise and dispose, of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this act. The president and councilmen for the time being shall have the superintendence and oversight of all the roads and streets now open or hereafter to be opened within the limits of said town; and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said streets a sum of money not less than two hundred and fifty dollars, and shall make an order for the payment thereof to the treasurer of the town of Frankford, which said appropriation shall be used solely to purchase oyster shells and pay freight thereon, for the streets and lanes of said town.

Oversight of
streets and
roads.

Section 7. The town council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open, or widen, any new street or streets, lane or lanes, alley or alleys, or widen any street, lane, or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or lanes, alley or alleys, now closed or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or reopened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they may deem just and reasonable under all circumstances; which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town, upon warrants drawn upon him by order of the council aforesaid.

Additional
powers as to
streets.

Section 8. Whenever the town council shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefor it shall be their duty, immediately after the survey and location of the said street, lane or alley, to notify in writing, the owner or owners of the real estate through or over which such street, lane or alley may run of their determination to open and widen the same, and to furnish a general description of the location thereof, also the amount of the damages or compensation allowed to each, and if any such owner be not resident within the said town to notify the holder or tenant of said real estate; but if there be no holder

Condemnation
of land for
streets.

Notice of.

OF CITIES AND TOWNS.

Dissatisfaction of owner as to damages.	or tenant resident in said town, the said notice may be affixed to any part of the premises. If the owner be dissatisfied with the amount of the compensation or damages allowed by the town council as aforesaid, he or she may, within ten days after such
Appeal.	notice as aforesaid, appeal from the said assessment of compensation or damages by serving written notice to that effect to the
Method of appeal.	president of said council. In order to prosecute said appeal such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten days' notice to said president of council make written application to the Associate Judge of the Superior Court of this State, resident in Sussex County, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said
Judge of Superior Court to appoint commission of five freeholders to assess damages.	associate judge shall issue a commission, under his hand, directed to five freeholders of the said county, three of whom shall be residents of said town of Frankford and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane, or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the associate judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in
To be sworn.	said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge, who shall deliver said return to said town council, which shall be final and conclusive.
Vacancy.	The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being ascertained, the
Tender of payment of damages.	town council may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from the town during the said period of one month, then the same may be deposited, to his or her credit, in the Farmers Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by freeholders appointed by the associate judge aforesaid, if the damages shall be increased the
Costs of appeal.	costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town; but if said

OF CITIES AND TOWNS.

damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs.

After the damages shall be fixed and ascertained by the freeholders, the town council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

Option of Town Council.

Section 9. The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances; to ascertain and fix boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein, and for curbing wherever in their opinion such paving or graveling, making of gutters and the placing of gutter stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible material, and to provide against casualties by fire. No person shall be obliged to pave any footway to greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition the town council shall have the option to make such change or alteration, or not. The town council shall also have power to enact ordinances in relation to

Ordinances.

OF CITIES AND TOWNS.

the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and may impose an annual tax not exceeding fifty cents on every male dog, or one dollar on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have power also, by ordinance, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things, as they may deem necessary for carrying into effect the provisions in this section contained.

Powers of
Town Council
as to paving.

Notice to owner
to pave side-
walk.

Neglect of
owner to obey
notice.
Council may
have same
done.

Property liable
for expense
thereof.

Manner of col-
lecting cost of
paving.

Section 10. Wherever the said town council shall have determined that any paving and curbing, or any or either or all of them shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expense of such paving, graveling and curbing; if such owner or owners be not resident in the town of Frankford, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said town of Frankford, such bill may be sent by mail to such owner or owners, directed to him or them at the post-office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the town of Frankford, under the hand of the president of the town council and the seal of the said corporation, directed to the treasurer of the town of Frankford, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of the said bill, together with all costs. It shall be the duty of the treasurer of the town of Frankford, as soon as convenient after the said warrant shall

OF CITIES AND TOWNS.

be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the town of Frankford, at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of the said town of Frankford, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places in the town of Frankford, for at least ten days' before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said town of Frankford (or if there be no newspaper printed in the said town of Frankford, then in a newspaper printed anywhere in Sussex County), to sell the lands or tenements of such owner or owners in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the treasurer of the said town of Frankford shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the treasurer of said town, of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Farmers Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling

Goods and
chattels liable
for cost of paving.

Lands and
tenements
liable for cost
of paving.

Claims for paving
a prior lien.

Application of
money arising
from sale.

Compensation
of Treasurer.

OF CITIES AND TOWNS.

Notice.

the same, and for advertising, all of which shall be part of the costs, to be paid out of the purchase money as aforesaid. Any notice required by this section to one co-owner shall be notice to all; and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier, or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her place of residence. The provisions hereinbefore contained in this section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, or curb, heretofore made or done, which the said council may deem insufficient or to need repairing. The said council, in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such fines and penalties as shall in the judgment of said council be necessary and proper.

Power of Town
Council to es-
tablish
ordinances.

Meetings,
number of and
time.

Section 11. The town council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any stated meeting. There shall be four stated meetings in every year of the said council, to wit: on the first Saturday in March, June, September and December. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violation of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, and which are not especially provided for in this act. All such fines and penalties which may be imposed either by this act or the ordinances enacted as aforesaid, may be collected before the alderman of said town, or any justice of the peace of said town, and in default of payment said alderman or justice of the peace may commit for any time not exceeding thirty days.

Council may
appoint
constables.

Section 12. The council of said town may appoint such number of town constables as shall be deemed necessary, who with the constable of Sussex County residing in said town shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

Annual state-
ment of receipts
and expendi-
tures.

Section 13. The council of said town shall cause a statement of their receipts and expenditures to be published once a

OF CITIES AND TOWNS.

year in at least one newspaper printed in said town, but if there be no newspaper printed in said town, it shall be the duty of said council to submit their book of accounts containing the amounts received and paid out during each year to the voters of said town at their regular March meeting for inspection, revision and approval. The said councilmen shall be allowed for their attendance at each of said stated meetings a sum not exceeding one dollar.

Section 14. The council of said town shall have power and authority to make such regulations and enact such ordinances ^{Additional powers.} relative to the traveling over and upon the streets, lanes, or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages, or other vehicles, or obstructions, in and upon the public square, or any of said streets, lanes, alleys, or side walks. The town council shall also have power to enact ordinances in relation to and to prevent any horse, mare, colt, mule, cattle, sheep, swine and geese from running at large within the limits of the town, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof; and if any person shall violate the regulations and ordinances of the said council in that behalf, every person so offending shall forfeit and pay to the treasurer of said town for the use of said town, a sum not exceeding ten dollars, to be recovered, with costs, by the treasurer of said town in the name of the Town of Frankford, before the alderman of said town, or before any justice of the peace residing in said town in the same manner as debts of like amount are recoverable by law.

Section 15. It shall and may be lawful for the council of said town to use the jail of Sussex County for the purpose of carrying ^{May use county jail for offenders.} into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinances or regulations adopted under the provisions of this act; and it shall be the duty of the Keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

Section 16. The council of said town shall have the power and authority to use the money in the treasury of the said town or any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general per- ^{Power to use money to improve town.}

OF CITIES AND TOWNS.

Majority to govern.

formance of their duties, the acts, doings and determinations of a majority of the council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall be filled, as hereinbefore provided, shall have the same power and authority as the whole.

Duty of Alderman and Constable to preserve peace.

Section 17. It shall be the duty of the alderman of said town, and council of said town, and of the constable of Sussex county residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or about any buildings used for any fair, festival, concert or any other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever; to prevent all gatherings whatsoever which may obstruct or interfere with the free use of the streets, lanes, alleys, or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending, and carry him or them before the alderman of said town, whose duty it shall be to hear and determine the case, and, upon conviction before him, the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to anyone of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constables aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offences in this section first enumerated. If, upon view of the person or persons who may be brought before the alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or per-

Arrests for breach of peace.

Penalty.

OF CITIES AND TOWNS.

sons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. Provided the town shall pay for the board of all prisoners committed to jail for violation of the charter or by laws of the town of Frankford.

Fee of Alderman.

Fee of Constable.

Section 18. The alderman of said town, the council of said town and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fire-works, or the making or throwing of fire-balls within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

To suppress bonfires.

Section 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public square or in the streets, lanes, or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed either on their own view or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a majority of them, either of themselves or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same; and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate such

To abate nuisances.

Manner of proceeding.

OF CITIES AND TOWNS.

Neglect of owner. obstruction or nuisance, the council of said town shall have power and authority to cause such obstruction or nuisance to be removed or abated, and for this purpose the council of said town may issue a warrant in the name of the town of Frankford, under the hand of the president of the council and the seal of the said corporation, and directed to any constable of the town of Frankford, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Frankford, and to take with him such assistance, implements, horses, carts, wagons, or other things as may be necessary and proper and do and perform all matters, and things, right and proper to be done for the removal of such obstruction or the abatement of such nuisance. The cost and damages of all the proceedings shall be determined and adjudged by the council of said town for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill, stating the amount of such cost and damages, shall have been presented to such person. Then the council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the treasurer of said town, in the same manner as is provided in Section 10 of this act for the collection of the expenses of any paving, graveling, &c., and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said section ten of this act on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town, for the use of the town, the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or abated after the expiration of the two day's notice as aforesaid, to be recovered.

Warrant to Constable.

Cost of, to be paid by person causing nuisance.

Treasurer to have power to sell goods, &c., for cost.

Fine.

OF CITIES AND TOWNS.

ered, with cost of suit, in the name of the town of Frankford, before the alderman of said town, or any justice of the peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment, the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two day's notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not removed or abated, or if then removed or abated up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, shall exceed one hundred dollars, the case shall not be cognizable before the alderman or a justice of the peace, but in such case suit, in the name of the town of Frankford, may be brought in the Superior Court of the State of Delaware, in and for Sussex County. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

Section 20. If any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the Grand Jury of Sussex county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned, at the discretion of the court, for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.

Neglect of constable to perform duty.

Section 21. It shall be the duty of the council of said town, as soon as conveniently may be after the election of members of said council on the second Saturday in June after the passage of this act, and after each annual election of members in every year, as hereinbefore provided, to elect, by ballot, a treasurer, clerk, and assessor for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The treasurer and clerk may or may not be the same person. The assessor shall be a freeholder, resident in said town, and may or may not be a member of said council. The said council shall also have authority to elect, by ballot, a collector of taxes in any year they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or

Council to elect treasurer, clerk and assessor.

Qualification of.

OF CITIES AND TOWNS.

Treasurer to be sworn and to give bond.	<p>affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to by the president of said council or by any member thereof, or by any justice of the peace or notary public. He shall, also, before entering upon the duties of his office, give bond to the town of Frankford, with sufficient surety, to be approved by the council of said town, in the penal sum of double the amount of what may be likely to come into his hands conditioned for the faithful discharge of the duties of his said office, and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council and signed by the president thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said council annually in the month of February, and at such other times as said council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by the council of said town, and when required to do so by said council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and faithful record of all the proceedings of the council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said council. The treasurer, clerk and assessor of said town shall each receive a reasonable compensation for their services, to be determined by the council of said town. Provided the compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per cent. on the taxes collected by him.</p>
Duty of treasurer.	
Clerk. Duty of.	
Assessor. Duty of.	<p>Section 22. It shall be the duty of the assessor of said town annually to make a true, just, and impartial valuation and assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town, and also the personal property of such citizens subject to county assessment and taxation. The said assessor shall make such assessment and re-</p>
Assessment.	

OF CITIES AND TOWNS.

turn the same to the council of said town within six weeks next after the election of said assessor. The council of said town shall assess the real estate and person and taxable personal property of the assessor. The council of said town shall, within five days next after receiving said assessment list, cause a full and complete transcript of said assessment list to be hung up in the post-office in said town, there to remain for the space of ten days thereafter for public inspection, and the said council shall, on the Saturday next after the expiration of the said ten days, hold a court of appeal which shall continue open from one o'clock P. M. till four o'clock P. M. of said day, when they shall hear and determine appeals from the said assessment, and may make correction of, addition to, or alteration in the said assessment. Notice of the hanging up of the said assessment list, and also at the same time notice of the time and place of hearing appeals shall be given by posting such notice in at least six public places in the town of Frankford. The determination of the council of said town upon any appeal or upon any matter relating to such assessment shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates. The assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any justice of the peace or notary public.

To be hung up
in post office.

Appeal.

Assessor to be
sworn.

Section 23. The council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, which sum shall in no year exceed two hundred dollars, clear of dog tax and all delinquencies and expenses of collecting and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of April, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the council of said town in said year, or if there be none to the treasurer of said

Tax list to be
given to col-
lector by
council.

OF CITIES AND TOWNS.

town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll and assessable personal property and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the president of said council. The collector of taxes, or if there be none elected in said year, the treasurer of said town, immediately after receiving said list, and in collecting the same, shall have all the powers conferred by law on the collection of the county rates and levies by the provisions of Chapter 12 of the Revised Code of 1852. In the collection of said taxes, the council of said town shall have the power and authority to order the collector of taxes, or if there be none, the treasurer, to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of July in any year following the assessment of the same. The collector of taxes, before entering upon the duties of his office, shall give bond to the town of Frankford, with sufficient surety, to be approved by the council of said town, in the penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the council and treasurer of said town in the month of February next following his election, as collector of taxes, and at such other times as the council of said town may require, to which said bond and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services, to be determined by the council of said town; provided that he shall not receive more than eight per cent. on the taxes collected by him. The council shall have power to make just allowances for delinquencies in the collection of taxes.

Duty of collector.

Powers of.

Collector to give bond.

Compensation of.

Section 24. This act shall be deemed and taken to be a public act.

Approved March 17, A. D. 1903.

TITLE ELEVENTH.

Of the Domestic Relations.

CHAPTER 439.

OF GUARDIANS AND WARDS.

AN ACT TO REPEAL CHAPTER 292 OF VOLUME 21 OF THE LAWS
OF DELAWARE, RELATING TO GUARDIANS' ACCOUNTS.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Section 1. That Chapter 292, of Volume 21 of the Laws
of Delaware is hereby repealed.

Chapter 292,
Vol. 21, re-
pealed.

Approved March 31, A. D. 1903.

OF GUARDIANS AND WARDS.

CHAPTER 440.

OF GUARDIANS AND WARDS.

AN ACT TO REPEAL SECTION 4 AND SECTION 5 OF CHAPTER 293, OF VOLUME 21 OF THE LAWS OF DELAWARE, RELATING TO GUARDIANS' ACCOUNTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Sections 4 and 5,
Chapter 293,
Vol. 21, re-
pealed.

Section 1. That Section 4 and Section 5 of Chapter 293 of Volume 21. of the Laws of Delaware are hereby repealed.

Approved April 7, A. D. 1903.

CHAPTER 441.

OF GUARDIANS AND WARDS.

AN ACT RELATING TO GUARDIANS OF MINORS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Guardians'
accounts to be
filed and settled
by Orphans'
Court.

Section 1. That all Guardians' accounts shall be filed with, and be adjusted and settled by the Orphans' Court by which such guardians were appointed.

Clerk of
Orphans' Court
shall keep
suitable
account books.

Section 2. That the Clerks of the Orphans' Courts for the several counties shall procure and keep suitable books in which they shall record all accounts and settlements of guardians as the same shall be passed by the Court, and also index books in which they shall keep direct and indirect indexes of all such ac-

Index.

OF GUARDIANS AND WARDS.

counts and settlements; and such records or duly certified copies thereof shall be competent evidence.

Certified
copies evi-
dence.

Section 3. That the Clerks of the Orphans' Courts shall receive for the services required of them by this act the same compensation as is or may be allowed by law to the Register of Wills for like services in respect to accounts and settlements of executors and administrators and releases; and such compensation shall be paid out of the estate to which such services relate.

Compensation
of clerks.

How paid.

Section 4. Exceptions to guardians' accounts, settled and filed in the Orphans' Court, shall be received, heard and determined by the Superior Court for the same county, whose decision thereon shall be final.

Exceptions to
guardians'
accounts, re-
ceived, heard
and determined
by Superior
Court.

Section 5. That any release, acquittance or receipt, executed under hand and seal by any person of full age to any guardian, and acknowledged before any clerk of the Orphans' Court, or before any officer authorized to take acknowledgements of deeds to be recorded in this State, shall, upon being delivered to the Clerk of the Orphans' Court by which such guardian was appointed, be by him recorded in a book for that purpose, which shall have direct and indirect indexes; and such records or duly certified copies thereof shall be competent evidence.

Releases, ac-
quittances or
receipts to be
recorded in
book for such
purpose with
indices.

Such acknowledgements may be in the form prescribed by Section 51 of Chapter 89 of the Revised Code.

Section 6. That the Levy Courts of the several counties shall pay the cost of all books and records which the said clerks are by this act required to procure or keep.

Levy Court to
pay cost of
records.

Section 7. That the Register of Wills of the several counties are hereby required to deliver to the Clerk of the Orphans' Courts of the several counties all guardians' accounts and all records thereof and all indexes of such records, now in the custody of such Registers, and thereafter such Clerks of the Orphans' Court shall be the custodian of such accounts, records and indexes.

Register of
Wills to deliver
all guardians'
accounts to
Clerk of
Orphans' Court.

Custodian.

Section 8. That all acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 31, A. D. 1903.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 442.

OF ALIENS.

AN ACT IN RELATION TO ESTATE OF ALIENS, AND TO COMPLETE THEIR TITLE TO THE SAME.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Grants to aliens
prior to first
day of January,
1903, to be valid.

Deeds and con-
veyances made
by aliens prior
to first day of
January, 1903,
to be valid.

Section 1. That all grants, bargains, sales, conveyances and devises of lands, tenements and hereditaments within the State, made before the first day of January, A. D. 1903, to any person or persons who, at the time of making the same, was an alien or were aliens shall be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest and as good a right and title in the same as he or she or they could have taken by the same grant, bargain, sale, conveyance or devise, if he, or she, or they had been legally naturalized at the time of making the same; and all deeds and conveyances made of any lands, tenements or hereditaments within this State by any such alien or aliens, or his or her or their legal representatives before the first day of January, A. D. 1903, or by virtue of any legal process directed to the sheriff or coroner before that time, shall be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and as good a right and title in and to the same lands, tenements and hereditaments as such grantee, bargainee or devisee could have taken by the same if the grantor, bargainor or devisor had been legally naturalized at the time of

OF ALIENS.

making such grant, bargain, sale, conveyance or devise last mentioned; and any mortgage or other security taken by any alien to secure the payment of purchase money or any part thereof of lands, tenements or hereditaments sold and conveyed by such alien, shall be as good and effectual and collectible by the same process of law as if the person in whose favor the same was or may be taken had been legally naturalized at the time of making such mortgage or other security.

Section 2. And be it further enacted as aforesaid, that the widow, child or children respectively of any alien who died before the first day of January, A. D. 1903, shall be held to have acquired and taken the same interest, right and estate as they would have done if such alien had been a citizen at the time of his death, and all conveyances made by such widow, child or children, or, of their or any of their rights or estates by legal proceedings, shall be as valid and effectual to convey such rights and estates as if such alien had been a citizen at the time of his death.

Widow or children of alien to take same valid interest, as if alien had been citizen at time of death.

Section 3. And be it further enacted as aforesaid, that the child or children, brothers, sisters or other next of kin respectively, who were aliens at the time of the death of any person dying intestate before the first day of January 1903, such intestate being a citizen of the United States, shall be held to have acquired and taken by descent the same interest, right and estate in the lands, tenements and hereditaments of such intestate, situate within the State of Delaware, as they would have acquired and taken if they had been citizens of the United States at the time of the death of such intestate, in accordance with the intestate laws of the State of Delaware, and all conveyances, mortgages or other deeds affecting such lands, tenements or hereditaments made or to be made by such aliens shall be as valid and effectual in respect thereto as if such aliens were citizens of the United States at the time of the execution thereof.

Alien children, brothers, sisters or other next of kin may inherit if intestate was citizen of the United States.

Section 4. And be it further enacted as aforesaid, that all conveyances and all letters of attorney relating to conveyances of land, tenements and hereditaments within this State, which shall have been acknowledged before any consular agent and attested under the seal of such consular agent before the first day of January, A. D. 1903, shall be deemed and taken to have been legally and properly acknowledged, and if not already recorded

Conveyances and letters of attorney acknowledged before Consular Agent under seal, a proper acknowledgement and may be admitted to record.

OF ALIENS.

may and shall be admitted of record in the county in which the lands, tenements and hereditaments conveyed thereby are situated, and all such conveyances, or a duly certified copy of the record thereof, shall be evidence in any court of law or equity in this State.

Approved March 26, A. D. 1903.

CHAPTER 443.

OF CONVEYANCES.

AN ACT TO AMEND CHAPTER 83, OF THE REVISED CODE OF 1893, ENTITLED "OF CONVEYANCES", CONCERNING THE ACKNOWLEDGMENTS OF DEEDS BY MARRIED WOMEN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Deed of a married woman.

Section 1. That Section 4 of Chapter 83, of the Revised Code of 1893, entitled, "Of Conveyances," be and the same is hereby amended by striking out in the second line of said section and chapter the following words "to which her husband is also a party."

Not to divest husband's estate by the curtesy.

Section 2. That Section 4 of Chapter 83, of the Revised Code of 1893, be and the same is hereby further amended by inserting in the eleventh line of said section and chapter between the word "her" and the word "such" the following words "Nor shall such conveyances by her divest, abrogate or in any manner interfere with the husband's estate by the curtesy should such estate attach."

Approved April 16, A. D. 1903.

OF CONVEYANCES.

CHAPTER 444.

OF CONVEYANCES.

AN ACT TO PROVIDE FOR MAKING TITLE TO REAL ESTATE IN WHICH INSANE PERSONS HAVE AN INTEREST.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That any married woman, seized of any real estate in her own right, whose husband shall be insane and she desiring to sell, convey or to mortgage any such real estate, or any part thereof, may prefer her petition to the Chancellor, stating the facts, and the Chancellor may, if he shall consider it a proper case, make an order, either in term or at Chambers, appointing a trustee for such insane married man to join in any deed or mortgage in his behalf with his wife, to sign, seal and acknowledge the same as such trustee in the same manner as deeds and mortgages are now by law acknowledged.

Wife of insane husband may petition to convey real estate.
Method of procedure.
Trustee.

Section 2. Any deed or mortgage executed and acknowledged by a trustee for a married man insane as aforesaid, appointed pursuant to the provisions of the preceding section, shall be as valid and effectual to bar and divest his estate as tenant by the curtesy in case he survives his wife, as if he had been legally capable, and had in fact executed and acknowledged such deed or mortgage; and any such deed or mortgage, or the record thereof, shall be competent evidence in all courts of this State.

Trustee may bar tenant by curtesy in estate by deed or mortgage.

Section 3. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Approved April 7, A. D. 1903.

OF CONVEYANCES

CHAPTER 445.

OF CONVEYANCES.

AN ACT TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF THE MEMORIAL MONUMENT AT COOCH'S BRIDGE, ERECTED TO MARK THE SPOT UPON WHICH THE STARS AND STRIPES WERE FIRST UNFURLED IN BATTLE.

Preamble.

Whereas on the third day of September, 1901, a monument was unveiled at Cooch's Bridge, Delaware, which had just been erected there by the patriotic societies and citizens of Delaware, to mark the spot where the stars and stripes were first unfurled in battle; and

Preamble.

Whereas the Honorable J. Wilkins Cooch has donated the ground upon which the monument stands, and wishes to convey the same to the State of Delaware absolutely; so as to provide against all possible mutations of property and to clothe the State with the perpetual ownership of the historic place; and

Preamble.

Whereas Governor Hunn recommended legislation for this purpose in his last annual message; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Ownership of grounds and monument to be in State of Delaware.

Section 1. That the State of Delaware hereby accepts the ownership of the monument and grounds on which it stands when conveyed to it by the said Honorable J. Wilkins Cooch.

Governor to appoint 3 Commissioners.

Section 2. That when such conveyance is completed, the Governor is hereby authorized to appoint and commission three persons as commissioners, who shall be known as "Commissioners of Cooch's Bridge Monument." They shall hold office for life. The survivors or survivor of them shall have power to fill all vacancies in their number, which may accrue from death, resignation or otherwise.

Title of.

Term of office.

Duty and powers of Commissioners.

Section 3. It shall be the duty of the said commissioners to take charge of the said monument and grounds, and to see that they are kept in good repair and condition. They are here-

OF CONVEYANCES.

by clothed with all power and authority that may be needful for that purpose; provided, however, that in no event shall the State of Delaware be liable for any expense that may be incurred with respect thereto. ^{State not liable for expense.}

Approved March 31, A. D. 1903.

TITLE THIRTEENTH.

Of the Administration of Estates.

CHAPTER 446.

OF THE SETTLEMENT OF PERSONAL ESTATES.

AN ACT IN RELATION TO ADVANCEMENTS MADE BY INTESTATES IN THEIR LIFE TIME.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Advancement
in either real or
personal
property made
by intestate to
be accounted
part or whole
of share of
child or issue.

Section 1. That in the distribution of the personal estate of any intestate, if any child of the intestate or any issue of such child shall have received any real or personal property or any gift or settlement of real or personal property from the intestate in his life time as an advancement, or if any such child or issue thereof has received any real or personal property by means of purchase, the consideration of which was paid or satisfied by the intestate in his life time or provided to be satisfied at his death as an advancement to any child or issue thereof, such advancement shall be accounted according to its value as part or the whole of the share of such child or issue.

Not to affect
provisions of
law in partition
of real estate.

Section 2. That this act shall not affect the provisions of Section 6 of Chapter 85 of the Revised Code except in cases where the advancement to any child or issue thereof has been fully accounted for in the distribution of the personal estate.

OF THE SETTLEMENT OF PERSONAL ESTATES.

Section 3. This Act shall take effect immediately upon its approval and shall apply to all cases where distribution as aforesaid is made, whether in the course of administration now pending or hereafter to be created. Act to apply to cases now pending or hereafter created.

Approved March 24, A. D. 1903.

CHAPTER 447.

OF THE SETTLEMENT OF PERSONAL ESTATES.

AN ACT TO AMEND CHAPTER 89 OF THE REVISED CODE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met; "relating to guardians."

Section 1. That Section 50 of Chapter 89 of the Revised Code is hereby amended by striking out the words "or guardian" in the third and fifth lines of said Section, and by inserting the *'or'' next after the word "executor" in the third line of said Section, and next after the word "testamentary" in the fourth line of said Section. Accquittances of guardians not recorded in office of Register of Wills.

Section 2. That Section 53 of said Chapter 89 is hereby repealed. Register of Wills not to require guardians to account.

Approved April 7, A. D. 1903.

*Printed as enrolled.

OF THE SALE OF LANDS BY EXECUTORS AND ADMINISTRATORS.

CHAPTER 448.

OF THE SALE OF LANDS BY EXECUTORS AND ADMINISTRATORS.

AN ACT TO AMEND CHAPTER 159 OF VOLUME 13 OF THE LAWS
OF DELAWARE, RELATING TO GUARDIANS.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Accounts of
executors and
administrators
to be recorded.

Section 1. That the word "and" is hereby inserted next after the word "executors" wherever the same occurs in Chapter 159 of Volume 13 of the Laws of Delaware; and that the words "and guardians" wherever they occur in said Chapter are hereby stricken out.

Approved April 16, A. D. 1903.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 449.

OF THE COURT OF CHANCERY.

AN ACT TO AUTHORIZE THE CHANCELLOR TO APPOINT MASTERS
IN CHANCERY, AND TO PROVIDE RULES TO REGULATE PRACTICE
RELATING THERETO.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Section 1. The Chancellor shall have authority in any cause pending in the Court of Chancery of this State to appoint a master in Chancery, pro hac vice in such particular cause. Chancellor may appoint Master in Chancery, pro hac vice.

Section 2. The Chancellor shall have authority and power to make and promulgate rules regulating the duties and compensation of masters in Chancery so appointed, and regulating the practice in all particulars relating to such Masters in Chancery. The compensation of such Masters in Chancery shall be paid under said rules of Court by the parties to said causes in which they are appointed. May make rules for Masters so appointed. Compensation.

Section 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 24, A. D. 1903.

OF THE COURT OF CHANCERY.

CHAPTER 450.

OF THE COURT OF CHANCERY.

AN ACT TO AMEND CHAPTER 216, VOLUME 17, LAWS OF DELAWARE, ENTITLED "AN ACT TO CHANGE THE TIME OF HOLDING THE COURT OF CHANCERY," BY PROVIDING FOR ADDITIONAL TERMS OF SAID COURT AND ORPHANS COURT IN KENT COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Additional
terms for Court
of Chancery
and Orphans'
Court in Kent
County.

Section 1. That Chapter 216, Volume 17, Laws of Delaware, entitled "An Act to change the time of holding the Court of Chancery," be and the same is hereby amended, by striking out the words "and on" between the words "March" and "the" in the sixth line of Section 1 thereof and inserting in lieu thereof the words "the second Monday in June."

And by inserting in the same line of said Section between the words "September" and "and" the words "and on the second Monday in December."

Approved March 23, A. D. 1903.

OF THE ORPHANS COURT.

CHAPTER R 451.

OF THE ORPHANS COURT.

AN ACT TO AMEND CHAPTER 96 OF THE REVISED CODE RELATING TO THE ORPHANS' COURT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 7 of Chapter 96 of the Revised Code is hereby Amended by striking out all between the word "Minors" in the second line and the word "Provided" in the fourth line of said section, and inserting in lieu thereof the following: "The guardianship of Minors shall continue until they attain the age of Twenty one years."

Guardianship,
how long to
continue.

Section 2. That section 11 of said chapter 96 is hereby amended by striking out the word "register" in the seventh and eighth lines of said section, and inserting in lieu thereof the word "Court."

To render
account to the
Orphans'
Court.

Section 3. That section 20 of said Chapter 96 is hereby amended by striking out the words "or on the Marriage of a female Minor" in the first and second lines of said section.

Settlement with
wards of
Orphans'
Court.

Section 4. That Section 26 of said Chapter 96 is hereby repealed.

Certificates to
Register
repealed.

Approved April 16, A. D. 1903.

TITLE FIFTEENTH.

Of the Justices of the Peace.

CHAPTER 452.

OF THE JUSTICES OF THE PEACE.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT A JUSTICE OF THE PEACE FOR KENT COUNTY TO RESIDE IN WEST DOVER HUNDRED, FOURTH REPRESENTATIVE DISTRICT AT OR NEAR THE TOWN OF HARTLEY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Governor to
appoint Justice
of the Peace in
West Dover
Hundred.

Section 1. That the Governor be and he is hereby authorized and empowered to appoint a Justice of the Peace for Kent County who shall reside in West Dover Hundred, Fourth Representative District, at or near the Town of Hartley.

Approved February 23, A. D. 1903.

OF THE JUSTICES OF THE PEACE.

CHAPTER 453.

OF THE JUSTICES OF THE PEACE.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT A JUSTICE OF THE PEACE FOR SUSSEX COUNTY TO RESIDE AT OR NEAR THE TOWN OF CONCORD.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Governor be and he is hereby authorized and empowered to appoint a Justice of the Peace for Sussex County to reside at or near the town of Concord.

Governor to
appoint Justice
of the Peace in
Sussex County.

Approved March 23, A. D. 1903.

TITLE SIXTEENTH.

Of Civil Actions In General.

CHAPTER 454.

OF THE COMMENCEMENT OF ACTIONS.

AN ACT IN RELATION TO THE SENDING OF CERTAIN PUBLICATIONS THROUGH THE MAILS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

No liability to any person for any newspaper or other publication unless expressly ordered by same.

Section 1. No action or suit at law shall be brought whereby to charge any person, firm, or corporation upon any promise or agreement for the subscription price to any newspaper, magazine, periodical, or publication whatsoever, when such promise or agreement shall arise from the fact of such person, firm, or corporation receiving through the mails any newspaper, magazine, periodical, or publication, unless such newspaper, magazine, periodical or publication shall have been previous to its being so received expressly ordered by such person, firm, or corporation, of the publisher or publishers thereof.

Approved March 9, A. D. 1903.

OF BAIL.

CHAPTER 455.

OF BAIL.

AN ACT CONCERNING BAIL FOR PERSONS ACCUSED OF CRIME.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That no person who has been charged with having committed a criminal offense, and who has been held by recognizance to appear and abide by the judgment of any court in any of the counties of this State, shall be committed to the custody of any Sheriff of any of the Counties of this State, or to the custody of the Warden of the New Castle County Workhouse pending trial for such offense, either before or after pleading to an indictment, and such recognizance shall remain and be in full force and virtue until final judgment, unless such accused person shall have been surrendered by his bondsman.

Person charged with crime and under bail not to be imprisoned unless surrendered by his bondsman.

Section 2. That no person who may hereafter be arraigned in any of the Courts of this State to plead to any indictment, and who shall have been bound by recognizance to appear and abide by the judgment of any such Court, shall be placed within the prisoner's box to plead to such indictment, or be confined therein during the trial; and all persons shall have an opportunity of full and free communication with their counsel.

Person under recognizance not to plead within the prisoner's box, or be placed therein during trial.

Section 3. If, after pleading to an indictment and before final judgment, a person pleading shall default, or after verdict shall depart from the Court with the intention not to abide by the judgment thereof, the recognizance previously entered into for his appearance at said Court shall be declared forfeited in like manner as a recognizance is now forfeited by default, and proceedings had on such forfeited recognizance as are now provided by the laws of this State.

Forfeit of recognizance after verdict.

Section 4. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Approved February 26, A. D. 1903.

CHAPTER 456.

OF OATHS.

AN ACT TO DISPENSE WITH THE KISSING OF THE BIBLE IN
THE ADMINISTERING OF OATHS.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Section 1. That from and after the approval of this Act
whenever an Oath shall be administered by swearing upon the
Holy Evangels of Almighty God, the person to whom such oath
shall be administered shall not be required to Kiss the Book, if
he does not desire so to do, but may in lieu thereof, swear with
his hand upon the Book.

No one to be
required to kiss
the Book in
administration
of oaths.

Approved April 7, A. D. 1903.

CHAPTER 457.

OF JUDGMENTS.

AN ACT LIMITING JUDGMENT LIENS UPON REAL ESTATE IN
KENT AND SUSSEX COUNTIES, AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met:*

Section 1. No judgment for the recovery of money hereafter entered or recorded in the Superior Court of this State in either Kent County or Sussex County, whether rendered by said court or transferred thereto from the Court of Errors and Appeals, or from the dockets of a justice of the peace, or operative in either of said counties by virtue of any writ of testatum fieri facias, or otherwise, howsoever recorded in said court, shall continue a lien upon real estate for a longer term than ten years next following the day of entry or recording of such judgment; or in case the whole or any part of the money for which such judgment shall be recovered or rendered shall not be due and payable at or before the time of its entry or recording the day on which such money shall have become wholly due and payable unless within the said term of ten years, the lien of such judgment shall be renewed and continued by a written agreement, signed by the plaintiff or plaintiffs therein, or the assignee or assignees thereof, or the person or persons to whose use such judgment shall have been marked, or his, her or their executors or administrators, and by the defendant or defendants therein, or his, her or their executors or administrators, and the terre tenant or terre tenants of the real estate bound by such lien, or, in case of a judgment upon a mechanics' lien, the terre tenant or terre tenants of such real estate, or by the attorneys of record of the respective parties to such judgment, or of the persons interested therein as afore-said, in substantially the following form, after stating the title of the cause, to wit: "It is agreed that the lien of this judgment shall be extended for the term of ten years," filed in the office of the prothonotary and by him minuted and certified upon the

No judgment
a lien for more
than ten years
in Kent or
Sussex County.

Renewal of
lien.

Form of.

OF JUDGMENTS.

Prothonotary to record of said judgment, or of the testatum fieri facias, as the case may be, or by scire facias, in manner hereinafter set forth; provided, however, that if a writ of scire facias shall be sued out of said court before the expiration of said term of ten years, and said term shall expire during the pendency of the proceedings upon the said scire facias, the lien of said judgment shall continue until final determination by said court of the rights of the respective parties thereto, or until the discontinuance or dismissal of such scire facias; and provided further, that if final judgment in such scire facias shall be rendered against the plaintiff or plaintiffs therein, and a writ of error shall be taken and the Court of Errors and Appeals shall render final judgment thereon in favor of the plaintiff or plaintiffs in error, the lien of such original judgment shall be restored and continued, but such restoration or continuance of said lien by such final judgment by the Court of Errors and Appeals shall not in any manner affect or be operative as against any bona fide purchaser, mortgagee, or judgment creditor who shall become such after the entry of such final judgment by the Superior Court upon such scire facias and before the noting upon the record of such final judgment in such scire facias of the taking of such writ of error.

Proviso.
Lien to continue pending proceedings on scire facias.
Writ of error may restore judgment.
When not operative as against bona fide purchaser.

Section 2. Immediately from and after the minuting and certifying upon the record of such original judgment, or of such testatum fieri facias, as the case may be, of such agreement for the existence of the lien thereof, or the entry of final judgment in the Superior Court in favor of the plaintiff or plaintiffs in such writ of scire facias, or the entry of final judgment in the Court of Errors and Appeals restoring and continuing such lien, such lien shall continue for the further term of ten years next thereafter unless sooner lost by final judgment of the Court of Errors and Appeals. And in like manner and with like effect such liens so renewed or restored and continued may, by a like agreement filed and minuted and certified upon the record of such original judgment, or of such testatum fieri facias, as the case may be, as aforesaid, before the expiration of the extended term or by final judgment in scire facias as aforesaid, be again renewed or restored and continued for the further term of ten years, and so from time to time as often as shall be found necessary.

Extension of lien for ten years.
Further renewals.

After January, 1905, no real estate to be taken by execu-

Section 3. After the first day of January, A. D. nineteen hundred and five, no real estate shall be seized or taken by virtue of execution process upon any judgment for the recovery of

OF JUDGMENTS.

money entered or recorded in the Superior Court of this State in either Kent County or Sussex County prior to the first day of January, A. D. nineteen hundred and five, and wholly due and payable on or before the day and year last aforesaid, and from and after the said first day of January A. D. nineteen hundred and five, the lien of such judgment upon real estate shall be lost unless prior to that time such lien shall be renewed and continued by agreement filed or by scire facias sued out in manner as provided in the preceding sections of this act.

tion process
upon judgment
of record prior
to January,
1905, if same be
due and pay-
able.

Liens to be lost
unless re-
newed by
agreement or
scire facias.

No real estate shall be seized or taken by virtue of execution process upon any other judgment, for the recovery of money heretofore entered or recorded in said Court, after the expiration of the term of ten years next following the day of entry or recording of such judgment; or in case the whole or any part of the money for which such judgment was recovered or rendered was not due and payable at or before the time of its entry or recording, the day on which such money became or shall become wholly due and payable, and at the expiration of said term of ten years the lien of such judgment upon real estate shall be lost, unless within the said term of ten years such judgment shall be renewed and continued by agreement filed or by scire facias sued out in manner as provided in the preceding sections of this act. All the provisions of the preceding sections not inconsistent with the provisions of this section shall be applicable for the renewal or restoration and continuance and preservation of the lien of the judgments hereinbefore mentioned in this section and as to the force and effect and the loss of such lien.

No real estate
to be seized
after lapse of
ten years.

Section 4. In case the lien upon real estate of any judgment for the recovery of money heretofore or hereafter entered or recorded in the Superior Court of this State in either Kent County or Sussex County shall be lost or interrupted under the provisions thereof and the said judgment shall thereafter be revived by scire facias, the same when so revived shall be a lien upon the real estate of the defendant or defendants in the original judgment, or, in case of judgment upon a mechanic's lien upon the real estate originally bound by such mechanic's lien from the time of such revival, but such lien shall not relate back, nor shall it in any manner affect any prior bona fide purchaser or mortgagee from or judgment creditor of such defendant or defendants or terre tenant or terre tenants.

Judgments re-
vived by scire
facias a lien for
ten years from
time of renewal,
but not to
affect prior
bona fide pur-
chaser.

OF JUDGMENTS.

Proceedings
under writ of
scire facias.

Section 5. A writ of scire facias for the renewal and continuance of the lien upon real estate of a judgment under the provisions of this act may be sued out of the Superior Court of this State in the county in which such original judgment has been or shall be entered or recorded by the plaintiff or plaintiffs in such judgment, or the assignee or assignees thereof, or the person or persons to whose use such judgment has been or shall be marked, or his, her or their executors or administrators against the defendant or defendants in such judgment and the terre tenant or terre tenants of the real estate bound by such lien, or, in case of a judgment on a mechanic's lien, the terre tenant or terre tenants, directed to the Sheriff of the county in which such writ shall issue, commanding him to make known to the defendant or defendants therein that he, she or they appear before said court and show cause, if any there be, why the lien of such judgment should not be renewed and continued. And in all other respects the practice, pleadings and procedure upon such scire facias shall conform as nearly as may be to the practice, pleadings and procedure on other writs of scire facias sued out of said court upon judgments under existing Law.

Practice and
pleadings.

Final judg-
ment.

If final judgment be rendered for the plaintiff or plaintiffs in such writ, it shall be that the lien of such original judgment shall stand renewed and continued for the term of ten years next following the day of the entry of such judgment in the said action of scire facias, and that the plaintiff or plaintiffs therein have execution thereon as in other cases during said term of ten years.

Cases in which
this act shall
not apply.

Section 6. The provisions of the foregoing sections of this act shall not operate to defeat the due enforcement of any writ of execution under any judgment for the recovery of money heretofore or hereafter entered or recorded in the Superior Court of this State, in either Kent County or Sussex County, by virtue of which real estate shall be seized or taken, if such writ of execution shall be issued before the first day of January, A. D. nineteen hundred and five, or before the expiration of the said term of ten years, as the case may be, nor shall they apply to any judgment heretofore or hereafter entered by virtue of a warrant of attorney or otherwise, by confession in said court in either Kent County or Sussex County upon any bond or obligation of indemnity, or for the faithful discharge of duty, or with conditions other than for the payment of money, or to any judgment upon a mortgage or recognizance, nor shall they in any manner

OF JUDGMENTS.

apply to or affect the lien of any judgment on a bond accompanied by a mortgage, and to secure which bond such mortgage has been or shall be given, except as to real estate not included in such mortgage.

Section 7. No judgment hereafter entered by virtue of a warrant of attorney in the Superior Court of this State, in either Kent County or Sussex County, upon any bond or obligation with condition other than for the payment of money, shall be or operate as a lien upon real estate until said bond or obligation and warrant of attorney, or a copy thereof, certified under the hand of the prothonotary and the seal of said court, shall be filed in the office of such prothonotary. It shall be the duty of the prothonotary, at all times thereafter, to safely keep such bond or obligation and warrant of attorney, or certified copy thereof, in his office. The provisions of this section shall not apply to any official bond or obligation given by a public officer.

Judgment on bond other than for the payment of money, not lien on real estate unless first certified and filed by prothonotary.

Duty of prothonotary.

Section 8. The fees of the prothonotary for services under the provisions of this act shall, in so far as they are not provided for by existing law, be regulated by the Superior Court of the State in the several counties.

Fees of prothonotary.

Section 9. All Acts or parts of acts in so far as inconsistent with the provisions of this act are hereby repealed.

Approved March 23, A. D. 1903.

OF CHATTEL MORTGAGES.

CHAPTER 458.

OF CHATTEL MORTGAGES.

AN ACT TO AMEND CHAPTER 477, VOLUME 15, LAWS OF DELAWARE, ENTITLED "AN ACT IN RESPECT TO CHATTEL MORTGAGES," EXTENDING THE TIME OF LIENS THEREOF.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Extending
time of liens
for chattel
mortgages.

Section 1. That Section 1 of Chapter 477, Volume 15, Laws of Delaware, and as published on Page 633 of the Revised Code of 1893, be and the same is hereby amended by striking out the word "three" in the fourth line of said Section 1 of said Chapter 477, and inserting in lieu thereof, the word "five."

Approved March 24, A. D. 1903.

CHAPTER 459.

OF EXECUTIONS.

AN ACT TO AMEND CHAPTER 562, VOLUME 14, LAWS OF DELAWARE, ENTITLED "AN ACT TO EXEMPT FROM EXECUTION PROCESS CERTAIN ARTICLES OF PERSONAL PROPERTY."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Property ex-
empt from
execution or
attachment pro-
cess, or distress
for rent.

Section 1. That Section 1 of Chapter 562, Volume 14, Laws of Delaware as published on page 829 of the Revised Code, of 1893, be and the same is hereby amended by inserting in the second line after the words "attachment process" and before the words "the following articles" the following words "or distress for rent."

Approved March 31, A. D. 1903.

TITLE EIGHTEENTH.

Of the Limitation of Actions.

CHAPTER 460.

LIMITATION OF APPEALS AND EXCEPTIONS.

AN ACT TO AMEND SECTION 7 OF CHAPTER 124 OF THE REVISED CODE, RELATING TO EXCEPTIONS TO EXECUTORS, ADMINISTRATORS' AND GUARDIANS' ACCOUNTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 7 of Chapter 124 of the Revised Code is hereby Amended by inserting the word "or" next after the word "executor" in the first line of said section, and by striking out the words "or guardian" in the second line of said section, and by inserting next after the words "Orphans' Court" in the third line of said section the following: "and no exceptions to an account of a guardian settled in the Orphans' Court, shall be received or filed in the Superior Court."

Register not to settle guardians accounts.

Guardians account to be settled in Orphans' Court.

Approved March 31, A. D. 1903.

TITLE NINETEENTH.

Of Crimes and Punishments.

CHAPTER 461.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT TO AMEND CHAPTER 214, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR THE PUNISHMENT OF DEFENDANTS IN EXECUTION OR ATTACHMENT PROCESS WHO REMOVE FROM THE COUNTY PROPERTY LEVIED UPON OR SEIZED UNDER SUCH EXECUTION OR ATTACHMENT PROCESS" BY EXTENDING THE PROVISIONS OF SAID ACT TO LANDLORDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Provisions of
Chapter 214,
Vol. 22, Laws
of Delaware
extended to
landlords.

Section 1. That the word "Landlord" shall be added after the word "Creditor" in the third line, and the words "or distress for Rent" in the sixth line after the words "Attachment process."

Approved March 31, A. D. 1903.

OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 462.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT TO PUNISH THE MAKING OF THREATS TO DESTROY PROPERTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. If any person, or persons, shall, in the hearing of any other person, or persons, threaten or express an intention to burn, demolish, blow up or otherwise destroy or injure any building, factory, warehouse or other place in or near which any person, or persons, may reside, be employed or otherwise engaged, such person, or persons, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the Court of General Sessions, shall be punished by a fine not exceeding One thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the Court. Threats to destroy or burn property to be a misdemeanor. Penalty.

Approved March 31, A. D. 1903.

OF OFFENCES AGAINST PUBLIC JUSTICE.

CHAPTER 463.

OF OFFENCES AGAINST PUBLIC JUSTICE.

AN ACT TO AMEND SECTION 1 OF CHAPTER 130 OF THE REVISED CODE, RELATING TO PERJURY AND SUBORNATION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Change of
penalty for
perjury.

Section 1. That Section 1 of Chapter 130 of the Revised Code is hereby amended by striking out the words "and shall stand one hour in the pillory" in the fifth line of said Section, and inserting in lieu thereof the following: "and shall be imprisoned for a term not less than one year nor more than ten years." "And shall be whipped with forty lashes at the discretion of the Court."

Approved April 7, A. D. 1903.

CHAPTER 464.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

AN ACT FOR THE PROTECTION OF HABITUAL DRUNKARDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Not to furnish
habitual drunk-
ards with
spirituous
liquors.

Not allowed to
loiter on prem-
ises.

Section 1. That from and after the approval of this Act no person or persons, agent or servant shall sell or give to, or purchase or procure for or furnish or any way assist an habitual drunkard in obtaining spirituous or intoxicating liquors. Such habitual drunkard shall not be allowed to loiter upon the premises where sales are made of spirituous or intoxicating liquors.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

Section 2. The husband, wife, parent, child, guardian, or employer of a person who is accused of being an habitual drunkard shall give notice, in writing signed by him or her together with affidavit and the affidavits of two other persons of twenty-one years of age or over that the person accused of being an habitual drunkard is such, to any person requesting him not to sell or deliver such spirituous or intoxicating liquors to the habitual drunkard. If the person so notified at any time within twelve months thereafter sells or delivers any such spirituous or intoxicating liquors to the habitual drunkard, or permits him to loiter on his or her premises, he or she shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for a term of not more than three months at the discretion of the court.

Notice in writing that person is habitual drunkard.

Liability of seller.

Penalty.

Approved March 31, A. D. 1903.

CHAPTER 465.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT REGULATING THE USE OF AUTOMOBILES ON THE PUBLIC HIGHWAYS OF THIS STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1. That after the approval of this Act any person using an Automobile upon any of the Public Highways of this State shall slow down the speed of said Automobile upon approaching any wagon, carriage, buggy or other vehicle to which there is a horse, mule or other animal used for drawing wagons, carriages, buggies or other vehicle harnessed or attached, and if the horse, mule or other animal attached to said wagon, carriage, buggy or other vehicle becomes badly frightened by the approach of said Automobile, so that there is danger of injury to the occupant or occupants of said approaching wagon,

Duty of those using an automobile on the public roads of this State.

OF OFFENCES AGAINST PUBLIC POLICY.

Owner or
Driver to have
horn or bell for
purpose of
warning others
of approach.

carriage, buggy or other vehicle, then the owner or driver of the said Automobile shall bring it to a full stop and so remain until those occupying the said wagon, carriage, buggy or other vehicle shall have passed safely by. The owner or driver of any Automobile using any of the Highways of this State shall not use the said Highways without first providing himself or herself with a horn, bell or some other instrument by which he can warn other persons using said Highways of his approach and the owner or driver of said Automobile shall give due warning when approaching other vehicles or where the Highways by reason of curves obscures the said Automobile from view of his approach.

Violation.

Section 2. That any person or persons violating the provisions of this Act shall be liable to a fine of not exceeding Ten dollars for each offence, to be recovered before any Justice of the Peace of the County in which said offence is committed.

Penalty.

Nothing in Act
to abridge right
of civil action
for damages.

Section 3. That nothing in this Act shall be construed to curtail or abridge the right of any person or persons injured in person or property to entertain a civil action for damages by reason of injuries received for or on account of the use of said Automobiles on the public Highways of this State and for which they are entitled to damages by a civil action.

Approved March 31, A. D. 1903.

CHAPTER 466.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT TO PREVENT AND PUNISH THE DESECRATION OF THE
FLAG OF THE UNITED STATES.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met:*

Desecration of
national flag by
advertisement
or otherwise, a
misdemeanor.

Section 1. Any person who in any manner, for exhibition or display, shall place, or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color, or ensign, of the United

OF OFFENCES AGAINST PUBLIC POLICY.

States of America, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which shall be printed, painted, or otherwise placed, or to which shall be attached, appended, affixed or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or, who shall, expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise, upon which shall have been printed, painted, attached or otherwise placed, a representation of any such, flag, standard, color, or ensign, to advertise, call attention to, decorate, mark, or distinguish, the article, or substance, on which so placed, or who shall publicly, mutilate, deface, defile, or defy, trample upon, or cast contempt, either by word or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for not more than thirty days, or both, in the discretion of the Court. Penalty.

Section 2. The words, flag, standard, color or ensign, as used in this Act shall include any flag, standard, color, ensign, or any picture or representation, of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of said flag, standard, color or ensign, of the United States of America, or a picture, or representation, of either thereof, upon, which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America. Flag under this act defined.

Section 3. This Act shall not apply to any act permitted by the Statutes of the United States of America or by the United States Army and Navy Regulations, nor in case where the Government of the United States has granted the use of such flag, standard, color, or ensign as a trade mark, nor shall it be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, or commission of appointment to office, ornamental picture, article of jewelry, or stationery for use in correspondence, on any of which shall be printed, painted, or placed, said flag, disconnected from any advertisement. Not to conflict with grants made by United States.

OF OFFENCES AGAINST PUBLIC POLICY.

Section 4. This act shall take effect immediately.

Approved March 31, A. D. 1903.

CHAPTER 467.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT TO PREVENT THE PROCURING OF DEPOSITS OF MONEY IN
THIS STATE WITHOUT LAWFUL AUTHORITY.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Solicitation for
deposit of
money.

Unlawful when
not authorized
by law.

Fine.
Imprisonment.

Name upon
placard or ad-
vertisement
prima facie
evidence.

Section 1. That after the approval of this Act any person, firm, or association of individuals or any agent or official of any corporation, who shall in any manner represent or hold out him, her, themselves or itself, whether by public advertisement, placard, hand bill or otherwise, as engaged in the receipt of deposits of money as a saving fund, bank or trust company or any business substantially similar thereto within the boundaries of the State of Delaware not being authorized under the laws of this State to engage in such business or any business substantially similar thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding two hundred dollars or imprisonment for a term not exceeding one year, or both, at the discretion of the Court.

Section 2. That when the name of any person or persons, firm, association or corporation appears in or on any hand bill, placard, advertisement or other representation advertising or holding out such person, firm, association or corporation as engaged in such business within the boundaries of the State of Delaware it shall be prima facie evidence of its presence there by the authority and with the knowledge of such person, firm, association or corporation and of the officers and representatives in this State of such corporation.

Approved March 24, A. D. 1903.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 468.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT LIMITING THE TIME WITHIN WHICH PROSECUTIONS FOR
CRIMES SHALL BE COMMENCED.

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Section 1. No person shall be prosecuted, tried or punished for treason or other capital offence, wilful murder excepted, unless the indictment is found within three years next after such treason or capital offence is done or committed. Limitation of time of prosecution of capital offences.

Sec. 2. No person shall be prosecuted, tried or punished, for any crime or offence not capital, unless the indictment is found or the information is instituted within two years next after such offence is committed. Limitations of time of prosecution for other offences.

Sec. 3. Nothing in the two preceding Sections shall extend to any person fleeing from justice. Exception.

Sec. 4. Nothing in this Act contained shall be construed to apply to any prosecution for any crime or offence begun, instituted and pending at the time this Act becomes a law. Exception..

Approved March 23, A. D. 1903.

GENERAL PROVISIONS RESPECTING CRIMES AND PUNISHMENTS.

CHAPTER 469.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT TO AMEND SECTION 10 OF CHAPTER 133 OF THE REVISED CODE, RELATING TO IMPRISONMENT FOR NON-PAYMENT OF FINE OR COSTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Increase of
term of im-
prisonment.

Section 1. That Section 10 of Chapter 133 of the Revised Code is hereby amended by striking out the words "three months" in the sixth line of said Section, and inserting in lieu thereof the words "one year."

Approved April 7, A. D. 1903.

CHAPTER 470.

MISCELLANEOUS.

AN ACT TO BETTER ESTABLISH THE IDENTITY OF A RACE OF PEOPLE KNOWN AS THE OFFSPRING OF THE NANTICOKE INDIANS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Descendants
of Nanticoke
Indians.

Section 1. That the class of people, known as the descendants of the Nanticoke Indians, formerly of Sussex County but at present located in the several counties of this State, desiring to migrate, may appear before any Justice of the Peace or Notary Public, of this State, and on the evidence and proof that he or

MISCELLANEOUS.

she belongs to or is a descendant of the Nanticoke Indians, may procure from such Justice of the Peace or Notary Public, a certificate reciting such facts.

May obtain
certificate from
Justice of the
Peace or Notary
Public as to
race.

Section 2. That after the approval of this Act the descendants of the Nanticoke Indians named in Section 1 of this Act shall hereafter be recognized as such within the State of Delaware.

How recog-
nized.

Section 3. This Act shall be deemed a public Act.

Approved March 23, A. D. 1903.

RESOLUTIONS.

CHAPTER 471.

Preamble.

Whereas, the grave of George Truitt, who served as Governor of Delaware from 1808 to 1811, located on a farm in South Murderkill Hundred in Kent County in this State, is neglected, and the tombstones covering the remains of himself and family have fallen into decay owing to the fact that there are no living relatives of the deceased to look after the same;

Preamble.

And whereas, the services rendered by George Truitt as Governor, of this State, and in other public capacities, afford ample and proper reasons why the State of Delaware should interest itself in the preservation of his remains, by reinterring the same in some secure and proper place;

Therefore, Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Joint committee
to arrange
for the removal
of the remains
of Governor
George Truitt
and family and
the tombstones
thereof to Bar-
ratt's chapel.

That a joint committee consisting of John Hunn, Governor, representing the State, Alvan B. Conner representing the Senate, and Joseph Frazier, representing the House of Representatives, be and are hereby appointed to arrange for the removal of the remains of Governor George Truitt and family from their present place of interment on the Downham farm in South Murderkill Hundred in Kent County in this State, and also provide for the interment of the bodies, and the placing of the tombstones now covering the same, in the cemetery at Barretts Chapel, near Frederica, in this State; the expenses incident to said removal shall be borne by the State; provided said expenses shall not exceed the sum of two hundred dollars, and provided that said committee shall report to the present session of the General Assembly, a detailed statement showing the items of expenditure incurred in carrying out the objects of this resolution.

Approved February 23, A. D. 1903.

RESOLUTIONS.

CHAPTER 472.

**JOINT RESOLUTION RELATING TO THE SUIT AND CONTROVERSY
NOW PENDING IN THE SUPREME COURT OF THE UNITED
STATES BETWEEN THE STATES OF NEW JERSEY AND DELA-
WARE.**

Whereas, this General Assembly has received from the Gov- Preamble.
ernor a Message accompanied by a communication from the At-
torney General, relating to the litigation and controversy now
pending in the Supreme Court of the United States, between the
State of New Jersey and the State of Delaware, concerning the
boundary between said States;

And Whereas, upon the advice of said Attorney General, Preamble.
the Governor has recommended to the Senate and House of Rep-
resentatives in General Assembly met, to appoint a special joint
committee to consider and advise with the Attorney General and
special counsel for this State, concerning the proper disposition
of the said territorial controversy between this State and the
State of New Jersey;

Therefore, be it resolved by the Senate and House of Rep- Joint committee
resentatives of the State of Delaware in General Assembly met, to advise with
that a joint committee of three members on the part of the Sen- Attorney-
ate, and three members on the part of the House of Representa- General and
tives be appointed to consider and advise with the Attorney counsel as to
General and special counsel for this State concerning the proper dispo- proper dispo-
sition of the territorial controversy between this State and sition of terri-
the State of New Jersey, now pending in a cause in which the torial con-
State of New Jersey is complainant and the said State of Dela- troversy be-
ware is defendant, in the Supreme Court of the United States. tween Dela-
ware and New
Jersey.

Approved February 23, A. D. 1903.

RESOLUTIONS.

CHAPTER 473.

JOINT RESOLUTION RELATING TO THE BOUNDARY CONTROVERSY
BETWEEN THE STATES OF NEW JERSEY AND DELAWARE.

*Be it resolved by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Commissioners
to confer with
commissioners
of the State of
New Jersey as
to disputed
boundary line.

That John Hunn, Governor, Herbert H. Ward, Attorney General and George H. Bates, Special Counsel be and they hereby are appointed and constituted commissioners of the State of Delaware to confer with like commissioners representing the State of New Jersey, for the purpose of framing a compact or agreement between the said States and legislation consequent thereon, to be submitted to the Legislatures of said two States for action thereon, looking to the amicable termination of the suit between said States now pending in the Supreme Court of the United States and the final adjustment of all controversies relating to the boundary line between said States and to their respective rights in the Delaware River.

Approved April 9, A. D. 1903.

RESOLUTIONS.

CHAPTER 474.

HOUSE JOINT RESOLUTION APPOINTING A JOINT COMMITTEE TO CONFER WITH THE TRUSTEES OF THE NEW CASTLE COUNTY WORKHOUSE, AND WITH THE JUDGES OF THE STATE COURTS IN RELATION TO THE EMPLOYMENT OF THE PRISONERS CONVICTED IN THE COURTS OF KENT AND SUSSEX COUNTIES.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a Joint Committee of three on the part of the House and two on part of the Senate be appointed by the respective Speakers to confer with the Trustees of the New Castle County Workhouse and with the Judges of the State Courts in relation to the employment of the prisoners convicted in the courts of Kent and Sussex Counties, and

Be it further resolved that the said Joint Committee is hereby instructed to report the result of such consultation to the General Assembly by bill or otherwise.

Approved April 9, A. D. 1903.

RESOLUTIONS.

CHAPTER 475.

HOUSE JOINT RESOLUTION No. 9.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Committee to investigate and report on advisability of changing manner of filing and enrolling bills.

That a committee of two on the part of the Senate and three on the part of the House be appointed to investigate and make report as to the advisability of a change in the manner of filing and enrolling bills, &c. and report to their respective houses any recommendations in reference to same.

Approved February 23, A. D. 1903.

CHAPTER 476.

JOINT RESOLUTION IN RELATION TO CERTAIN OFFICES IN THE COURT HOUSE, AT DOVER.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Joint Committee to make arrangements to use certain offices in Court House at Dover.

That a Committee of three on the part of the House and two on the part of the Senate, be and the same is hereby appointed with authority to make arrangements with the Levy Court of Kent County for the use and occupation of the offices on the first floor of the Court House building in the town of Dover, by the State, for such purposes as may hereafter be designated by the Legislature.

Approved March 31, A. D. 1903.

RESOLUTIONS.

CHAPTER 477.

JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMITTEE OF THREE ON THE PART OF THE HOUSE AND TWO ON THE PART OF THE SENATE TO ARRANGE FOR A REUNION OF THE PRESENT GENERAL ASSEMBLY AT THE LOUISIANA PURCHASE EXPOSITION IN 1904.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a committee of three on the part of the House and two on the part of the Senate be appointed to arrange for a reunion of the present General Assembly at the Louisiana Purchase Exposition in 1904.

Reunion of
General As-
sembly at
Louisiana
Purchase Ex-
position in
1904.

Approved April 9, A. D. 1903.

CHAPTER 478.

HOUSE JOINT RESOLUTION NO. 12.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Delaware State Temperance Alliance be granted a hearing on the 5th day of February 1903, during the afternoon session.

Hearing granted to Delaware State Temperance Alliance.

Approved February 2, A. D. 1903.

RESOLUTIONS.

CHAPTER 479.

JOINT RESOLUTION APPOINTING A JOINT COMMITTEE TO SECURE TRANSPORTATION FOR THE MEMBERS OF THE GENERAL ASSEMBLY TO THE TOWN OF REHOBOTH FOR THE PURPOSE OF ASCERTAINING THE CONDITION OF CERTAIN PUBLIC LANDS OF THE STATE WITH THE VIEW OF DISPOSING OF THE SAME.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Committee to secure free transportation to Rehoboth and return for the purpose of viewing public lands.

That a Committee of two on the part of the Senate and three on the part of the House of Representatives be and it is hereby appointed to secure transportation for the members of the General Assembly to the town of Rehoboth, for the purpose of ascertaining the condition of the lands belonging to the State of Delaware, lying between the Town of Rehoboth and the Indian River Inlet with the view of having a survey and sale made of said lands.

Approved February 23, A. D. 1903.

CHAPTER 480.

Be it resolved by the Senate and House of Representatives in General Assembly met :

Committee to meet and entertain Representatives of St. Louis Exposition.

That a committee of five, two on the part of the Senate and three on the part of the House of Representatives, be appointed to meet the Representatives, of the St. Louis Exposition and entertain them while in Dover.

Approved February 23, A. D. 1903.

RESOLUTIONS.

CHAPTER 481.

HOUSE JOINT RESOLUTION, AUTHORIZING THE APPOINTMENT OF A COMMITTEE TO AWAIT UPON THE STEAMBOAT COMPANIES AND THE RAILROAD COMPANIES IN THIS STATE, AND TO SECURE SPECIAL RATES FOR THE HAULING AND CARRYING OF ALL ROAD MATERIALS AND SUPPLIES TO BE USED ONLY FOR THE CONSTRUCTION AND IMPROVEMENT, THE BUILDING AND REPAIRING OF PUBLIC ROADS IN THIS STATE.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That a Committee of two on the part of the Senate and three on the part of the House of Representatives, be appointed by the presiding officers of the respective Houses whose duties it shall be to confer with the steamboat companies and railroad companies of this State, and to secure special rates for hauling and carrying of all road materials and supplies to be used only for the construction and improvement, the building and repairing of public roads in this State.

Joint Committee to secure special rates from railroads and steamboat lines on material for road construction.

Approved February 23, A. D. 1903.

RESOLUTIONS.

CHAPTER 482.

JOINT RESOLUTION IN RELATION TO THE PROSECUTION OF CORDELIA BOTKIN.

Preamble. Whereas, It has come to the attention of the members of the General Assembly that the prosecution of the case against Cordelia Botkin of California, is likely to be abandoned by the authorities of the State of California by reason of the expenses incident to the attendance of witnesses from Delaware; and

Preamble. Whereas, the prosecution of the said Cordelia Botkin is necessary that the ends of justice may be subserved, and the lives of the citizens of Delaware be protected therefore, Be it

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Joint Committee to confer with Attorney General in relation to Botkin case.

That a Committee of one on the part of the Senate and two on the part of the House be and the same is hereby appointed to confer with the Attorney General of this State for the purpose of ascertaining the status of the case against the said Cordelia Botkin; and upon receiving such information from the Attorney General to report to the General Assembly the nature of the information so obtained, with such recommendation as the said Committee, in its judgment, may deem best and proper.

Approved March 9, A. D. 1903.

RESOLUTIONS.

CHAPTER 483.

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE AND REPORT ON THE STATUS OF THE STATE'S OWNERSHIP IN DELAWARE COLLEGE.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That a committee of five, two on the part of the Senate and three on the part of the House, be appointed by the respective presiding officers to investigate the status of the State of Delaware's ownership in Delaware College, and to report the result of its investigation to the present session of the General Assembly.

Committee to investigate and report upon status of State ownership in Delaware College.

Approved March 9, A. D. 1903.

CHAPTER 484.

JOINT RESOLUTION APPOINTING DIRECTORS FOR THE FARMERS' BANK OF THE STATE OF DELAWARE FOR THE BRANCH AT WILMINGTON.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That William Baxter, Edmund Mitchell and Henry C. Conrad, be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the Branch at Wilmington.

Directors for Farmers' Bank at Wilmington.

Approved April 9, A. D. 1903.

RESOLUTIONS.

CHAPTER 485.

JOINT RESOLUTION APPOINTING DIRECTORS ON THE PART OF
THE STATE FOR THE FARMERS' BANK OF THE STATE OF
DELAWARE, AT DOVER.

*Be it resolved by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Directors for
Farmers' Bank
at Dover.

That Thomas C. Roe, George H. Murray and George H. Gildersleeve, be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the Branch at Dover.

Approved April 9, A. D. 1903.

CHAPTER 486.

JOINT RESOLUTION APPOINTING DIRECTORS ON THE PART OF
THE STATE FOR THE FARMERS' BANK OF THE STATE OF
DELAWARE AT GEORGETOWN.

*Be it resolved by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Directors for
Farmers' Bank
at Georgetown.

That J. Edward Reed, Everett Hickman and John G. Townsend, Jr., be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the Branch at Georgetown.

Approved April 9, A. D. 1903.

RESOLUTIONS.

CHAPTER 487.

Be it resolved by the Senate and House of Representatives in General Assembly met:

That a Committee of one on the part of the Senate and two on the part of the House be and the same is hereby appointed for the purpose of supervising the printing of the Duke of York Records, authorized by a previous Legislature, and the same committee is also authorized and directed to procure the printing of five hundred (500) additional copies of said Records, at a cost for the additional copies not to exceed the sum of three hundred and seventy-five (\$375) dollars.

Committee to
supervise the
printing of the
Duke of York's
records.

Approved March 9, A. D. 1903.

CHAPTER 488.

JOINT RESOLUTION TO REGULATE THE SALE AND DISPOSAL OF
THE DUKE OF YORK'S RECORDS.

*Be it resolved by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Printing of
Duke of York's
records.

Resolved that upon the completion of the printing of the copies of the Duke of York's records, the person or persons employed to print the said records shall deliver the same to the State Librarian who shall issue his receipt to such person or persons certifying as to the number of the copies of the aforesaid records so delivered.

To be receipted
for by State
Librarian.

How dis-
tributed.

Resolved, that the State Librarian be and he is hereby authorized to present copies of the aforesaid records to the hereinafter named persons, libraries, offices and societies, as follows, viz. : One copy to each of the members and officers of the present General Assembly; ten copies to the Governor of the State; five copies to the Lieutenant Governor; one copy to the Secretary of State; one copy to the Attorney General; one copy to the State Treasurer; one copy to the Insurance Commissioner; one copy to the State Librarian; one copy to the Auditor of Accounts; one copy to the Chancellor; one copy to the Chief Justice; one copy to each of the Associate Judges; two copies to the Library of Delaware College; two copies to the Wilmington Institute Library; one copy to the Wilmington Law Library; one copy to each town library in the State; one copy to the office for recording of Deeds, in each of the Counties in this State, to be kept in the said offices; five copies to the Delaware Historical Society; one copy to the Pennsylvania Historical Society; one copy to the Maryland Historical Society; one copy to the New Jersey Historical Society, and one copy to each Library authorized to receive our State publications.

Remainder to
be sold.

Resolved, that the said Records remaining in the custody of the State Librarian, after the distribution as provided in Section 2 of this Act, may be sold by the State Librarian at the price of

RESOLUTIONS.

two dollars per copy to such persons as may apply to him for the same, and the money arising from such sale shall be paid by the State Librarian to the State Treasurer for the use of the General Fund of the State. Price per copy.

Provided, however, that there shall always be kept in the State Library not less than 25 copies of said record for the same uses and purposes for which other books are or may hereafter be kept. 25 copies to be retained.

Approved April 9, A. D. 1903.

CHAPTER 489.

HOUSE JOINT RESOLUTION NO. 8.

AUTHORIZING THE ADJUTANT GENERAL TO HAVE PRINTED 500 COPIES OF HIS LAST REPORT, 300 TO BE BOUND IN CLOTH AND 200 TO BE BOUND IN PAPER.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Adjutant General be and he is hereby authorized to have printed under his supervision 500 copies of his last report, 300 of said copies to be bound in cloth and 200 of said copies to be bound in paper. Adjutant General's report.

Approved February 23, A. D. 1903.

RESOLUTIONS.

CHAPTER 490.

JOINT RESOLUTION AUTHORIZING THE STATE BOARD OF AGRICULTURE TO PRINT 2500 COPIES OF ITS REPORT.

Whereas, Chapter 216, Vol. XXI, Laws of Delaware, expressly provide that the report of the State Board of Agriculture shall be printed by order of the General Assembly now, therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Joint resolution
authorizing
printing of
State Board of
Agriculture's
report.

That the State Board of Agriculture be and it is hereby authorized to have printed 2500 copies of the report of the said Board for the years 1901-1902, 500 copies to be bound in cloth, the whole cost of such publication not to exceed \$250.

Approved February 2, A. D. 1903.

RESOLUTIONS.

CHAPTER 491.

HOUSE JOINT RESOLUTION NO. 2.

In view of the fact that the Flag, our National Emblem, which floats from this building, is in a most dilapidated condition;

Therefore, Be it Resolved by the Senate and House of Representatives in General Assembly met; that the Librarian and Custodian of the building be authorized to purchase a new National flag and a State flag to replace the ones now in use.

House Joint resolution authorizing the State Librarian to purchase a new National flag and a State Flag.

Approved February 23, A. D. 1903.

CHAPTER 492.

HOUSE JOINT RESOLUTION NO. 10.

Resolved—That the Committee appointed under Senate joint resolution No. 2, to examine the accounts of the Secretary of State, State Treasurer and Insurance Commissioner, be also empowered to examine the accounts of the Delaware State Hospital at Farnhurst.

That the Committee appointed to examine accounts of State officers be also empowered to examine accounts of Delaware State Hospital at Farnhurst.

Approved February 2, A. D. 1903.

CHAPTER 493.

JOINT RESOLUTION APPOINTING A JOINT COMMITTEE TO SETTLE
THE ACCOUNTS OF THE STATE TREASURER IN JANUARY,
1904.

Preamble.

Whereas the Constitution of our State under Article 2, Section 24, contains the following clause, "The State Treasurer shall settle his accounts annually with the General Assembly or a Joint Committee thereof which shall be appointed at every biennial session", and

Preamble.

Whereas it is the duty of the present General Assembly to carry into effect the above, Therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Committee appointed to settle with State Treasurer in January, 1904.

That a Committee consisting of two on the part of the Senate and three on the part of the House be appointed to settle with the State Treasurer in January, 1904. The said Committee is hereby empowered to employ expert assistance in making said settlement.

Approved March 23, A. D. 1903.

RESOLUTIONS.

CHAPTER 494.

HOUSE JOINT RESOLUTION No. 4.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a Committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to settle with the Librarian.

Committee to settle with Librarian.

Approved February 23, A. D. 1903.

CHAPTER 495.

SENATE JOINT RESOLUTION No. 2.

Resolved that a committee of five be appointed, two on the part of the Senate, to be appointed by the president of the Senate, and three on the part of the House, to be appointed by the Speaker of the House, to audit the accounts of the Secretary of State, the State Treasurer and the Insurance Commissioners, which shall employ expert assistance, and to make a report of their findings to the General Assembly on or before the twentieth day of February A. D. 1903.

Committee to audit accounts of Secretary of State, Treasurer and Insurance Commissioner and employ expert assistance.

Approved February 17, A. D. 1903.

CHAPTER 496.

JOINT RESOLUTION AUTHORIZING THE SECRETARY OF STATE TO
FURNISH COPIES OF VOLUME 22 TO THE MEMBERS OF THE
GENERAL ASSEMBLY.

*Be it resolved by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Secretary of
State to furnish
bound copies to
members of
General As-
sembly.

That the Secretary of State be and he is hereby instructed that when he has copies of Volume 22, Laws of Delaware printed and bound (being the session laws of 1901 and 1903) that he send one copy to each member and clerk of the present General Assembly.

If under existing law there are not sufficient number bound to comply with this resolution, the Secretary of State is hereby directed to have such additional number bound to carry out the provisions of this resolution.

Approved April 9, A. D. 1903.

RESOLUTIONS.

CHAPTER 497.

HOUSE JOINT RESOLUTION.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Secretary of State is hereby authorized and directed to have printed in pamphlet form, with a proper index thereto, three thousand copies of the General Corporation Law as amended, together with the Annual Franchise Tax Law, as amended, for public distribution in order to further the interests of the State.

Secretary of
State to
have printed
3,000 copies of
General Cor-
poration Laws
as amended.

Approved April 9, A. D. 1903.

RESOLUTIONS.

CHAPTER 498.

HOUSE JOINT RESOLUTION AUTHORIZING THE SECRETARY OF
STATE TO HAVE PRINTED THE ELECTION LAWS.

*Be it resolved by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

Secretary of
State to have
printed 2,000
copies of Elec-
tion Laws.

That the Secretary of State be and he is hereby authorized and directed to have printed in pamphlet form with an index thereto, two thousand copies of the Election and Registration Laws with the recent amendments thereto, for the information of those who register the vote and hold the elections of this State.

Approved April 9, A. D. 1903.

RESOLUTIONS.

CHAPTER 499.

SENATE JOINT RESOLUTION No. 1.

JOINT RESOLUTION PROVIDING FOR THE ADJOURNMENT OF THE
GENERAL ASSEMBLY FROM JANUARY 6, 1903 TO JANUARY
12, 1903.

*Be it resolved by the Senate and House of Representatives in
General Assembly met :*

That when both Houses adjourn on this sixth day of Janu- ^{Adjournment.}
ary, A. D. 1903, they adjourn to meet at 11 A. M. o'clock, Jan-
uary 12, 1903.

Adopted at Dover, January 6, A. D. 1903.

CHAPTER 500.

SENATE JOINT RESOLUTION No. 3.

*Be it resolved by the Senate and House of Representatives in
General Assembly met :*

That, when both Houses adjourn on the fourteenth day of ^{Adjournment.}
January, A. D. 1903, they adjourn to meet at 10.30 A. M. o'clock,
January nineteenth, 1903.

Adopted at Dover, January 14, A. D. 1903.

RESOLUTIONS.

CHAPTER 501.

JOINT RESOLUTION FIXING THE TIME BEYOND WHICH NEW BUSINESS WILL NOT BE RECEIVED BY THE PRESENT SESSION OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met ; That no new business will be received by either House of the General Assembly after Wednesday, the twenty-fifth day of February, A. D. 1903.

Joint resolution
naming last day
for receipt of
new business.

Approved February 10, A. D. 1903.

RESOLUTIONS.

CHAPTER 502.

JOINT RESOLUTION FIXING THE DATE FOR THE ADJOURNMENT
SINE DIE OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That both Houses of this General Assembly adjourn sine Adjournment. die on Wednesday the 18th day of March, A. D., nineteen hundred and three at 12.30 o'clock P. M., and that no bills or resolutions shall be acted upon or any other legislative business whatever be transacted by either House other than taking the vote or votes for a United States Senator or Senators, and the signing of bills which have passed both Houses of the General Assembly by the Speakers of the respective Houses, after Tuesday the seventeenth day of March, A. D. nineteen hundred and three at 12 o'clock noon.

Adopted at Dover, March 9, A. D. 1903.

CHAPTER 503.

SENATE JOINT RESOLUTION AMENDING SENATE JOINT RESOLUTION No. 10 BY EXTENDING THE TIME FOR ACTION UPON CLAIMS AGAINST THE STATE AND APPROPRIATIONS.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Extending the
time for action
upon claims and
appropriations.

That Senate Joint Resolution No. 10 be amended by adding at the end thereof the following words, viz. :

“Provided, however, that claims against the State may be acted upon and appropriations of public moneys made by the General Assembly up to 11 o'clock A. M. on Wednesday the 18th day of March, A. D. 1903.”

Adopted at Dover, March 17, A. D. 1903.

RESOLUTIONS.

CHAPTER 504.

HOUSE JOINT RESOLUTION 31.

JOINT RESOLUTION EXTENDING TIME OF ADJOURNMENT OF THE
PRESENT GENERAL ASSEMBLY.

*Be it resolved by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

That the time of final adjournment of the General Assembly Adjournment.
be and the same is hereby extended to 3 o'clock actual time
Wednesday, March 18th, 1903.

Adopted at Dover, March 18, A. D. 1903.

CHAPTER 505.

H. JOINT RESOLUTION 32.

JOINT RESOLUTION EXTENDING TIME OF ADJOURNMENT OF
PRESENT GENERAL ASSEMBLY.

*Be it resolved by the Senate and House of Representatives of the
State of Delaware in General Assembly met :*

That the time for final adjournment of the present General Adjournment.
Assembly be and is hereby extended to 2.30 o'clock P. M. actual
time, Thursday March 19th, 1903.

Adopted at Dover, March 18, A. D. 1903.

RESOLUTIONS.

CHAPTER 506.

SENATE JOINT RESOLUTION No. 16.

Resolved, that the thanks of the Senate and House of Representatives be extended to the various transportation companies doing business in this State, for courtesies extended the members thereof.

Resolution of
thanks to trans-
portation
companies.

Approved April 16, A. D. 1903.

TITLES OF PRIVATE ACTS

Excluded from Publication.

CHAPTER 507.

An Act to change the name of Harry B. Pachett to Harry B. Davis.

Approved February 2, A. D. 1903.

CHAPTER 508.

An Act to change the name of Robert D. Pachett to the name of Robert D. Davis.

Approved February 2, A. D. 1903.

CHAPTER 509.

An Act to change the name of Howard M. Pachett to the name of Howard M. Davis.

Approved February 2, A. D. 1903.

CHAPTER 510.

An Act to change the name of Benjamin B. Palmer to the name of Benjamin B. Ewing.

Approved February 23, A. D. 1903.

CHAPTER 511.

An Act to Incorporate "Baltimore Trust Company."

Approved March 19, A. D. 1903.

CHAPTER 512.

An Act to Empower the Heirs of Ann Anderson and James Anderson of H, her husband, to sell certain real estate in North Murderkill Hundred in Kent County, and to make valid Conveyances relating thereto.

Approved March 19, A. D. 1903.

CHAPTER 513.

An Act to Incorporate the Bridgeville Trust Company and Providing for a Branch thereof at Greenwood.

Approved March 24, A. D. 1903.

CHAPTER 514.

An Act to Incorporate the "New Castle Trust Company."

Approved March 24, A. D. 1903.

CHAPTER 515.

An Act to change the name of Marion Paschall Carpenter to Marion Paschall Frederick.

Approved March 31, A. D. 1903.

TITLES OF PRIVATE ACTS.

CHAPTER 516.

An Act to change the name of William Lee to William L. Dockstader.

Approved March 31, A. D. 1903.

CHAPTER 517.

An Act to change the name of Metta Burleigh to Jennie M. Weaver.

Approved March 31, A. D. 1903.

CHAPTER 518.

An Act making Jennie M. Weaver the heir-at-law of Isaac W. Weaver.

Approved March 31, A. D. 1903.

CHAPTER 519.

An Act to Incorporate the New Castle Development Trust Company.

Approved April 7, A. D. 1903.

ERRATA.

The word "bills" wherever it occurs in the side notes on page 732 should be "bids."

The word "fake" where it occurs in the side notes on page 749 should be "false."

The word "assessory" where it occurs in the side notes on page 879 should be "Assessors."

SECRETARY'S OFFICE,

DOVER, DELAWARE, JULY 24, 1903

In obedience to the provisions and directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and Journals," I have collated with and corrected by the original rolls now in the office of the Secretary of State and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at the regular biennial session commenced on Tuesday the sixth day of January, A. D. 1903, and ended on the nineteenth day of March, A. D. 1903, and approved by the Governor.

The words between brackets throughout the work are inserted to complete the sense in the original rolls. Words and sentences marked with asterisks are printed as they appear on the enrolled bills.

CALEB R. LAYTON,

Secretary of State.

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